A mans best fortune or his worst's a wife:
Yet I, that knew nor mariage peace nor strife,
Live by a good, by a bad one lost my life.

A wife like her I writ, man scarse can wed:
Of a false friend like mine, man scarse hath read.

Laur: Lisle excud.

A True and Hiſtorical

RELATION

Of the Poyſoning of

Sir *Thomas Overbury.*

With the

Severall Arraignments and Speeches of thoſe that were executed thereupon.

Alſo, all the paſſages concerning the Divorce between ROBERT late Earle of *Eſſex*, and the Lady FRANCES HOWARD: with King JAMES's and other large Speeches.

Collected out of the Papers of Sir *Francis Bacon*, the Kings Attorney-Generall.

LONDON,

Printed by *T. M.* & *A. C.* for *John Benſon* and *John Playford*, and are ſold at their Shops in S. *Dunſtans* Church-yard, and in the Middle Temple.

1651.

The proceedings which happened touching the Divorce between the Lady *Frances Howard*, and *Robert* Earle of *Eſſex*.

THE Lady *Frances Howard*, before the Kings Delegates, *Geor. Canterbury*, *John London*, *Lanc. Ely*, *Rich. Leichfield* and *Coventry*, Doctor *Cæſar*, *Thomas Parry*, *Daniel Dunne*, *John Bennet*, *Franc. James*, and *Thomas Edwards*, authoriſed under the Kings Broad Seale, Plaintiffs, in *Jan.* 1615.

That ſhe and *Robert* Earle of *Eſſex* were married by publique Rites and Ceremonies of the Church, in *Jan.* 1603.

That ſhe at the ſame time was fully thirteen years old, and is at this time twenty two, or twenty three.

That the foreſaid *Robert* at the time of the pretentended Marriage was about fourteen, and is about two and twenty, or three and twenty at this time; and ever ſince, and at this preſent is a man (as far forth as a man may judge) and hath been in good health and perfect eſtate of body, not any way hindred by any ague or ſickneſſe, but that he might have carnall copulation with a woman.

That ſince the pretended Marriage at leaſt by the ſpace of a whole year, and continued three years after the ſaid *Robert* had fully attained the age of eighteen

yeares (as time and place did serve) after the fashion of other marryed Folks, the said *Frances Howard* in hope of lawfull Issue and desirous to be made a Mother, lived together with the said *Robert* at bed and board, and lay both naked, and alone in the same bed (as married Folks use) and desirous to be made a Mother from time to time, again, and again yeelded herselfe to his power, and as much as lay in her offered her self and her body to be known, and earnestly desired conjunction and copulation: And also the said Earle in the same time, very often, again and again, did try to have copulation as with his lawful wife, which she refused not, but used the best means she could. Notwithstanding all this, the said Earle could never carnally know her, nor have that copulation in any sort which the Married-bed alloweth; yet before the said pretended Marriage and since, the said Earle hath had, and hath power and ability of body to deal with other women, and to know them carnally, and sometimes hath felt the motions and pricks of the flesh carnally and tending to carnal copulation as he saith, and believeth: but by perpetual and natural impediment hath been hindered all the former time, and is at this present, that he can have no copulation with the said Lady *Frances*.

Furthermore, the said Lady *Frances* hath been, and is a woman fit and able to have copulation with a man and such an one as may be carnally known, neither hath in this regard any impediment.

Moreover the said Lady *Frances* remaineth, and is at this present a Virgin.

Also at the time of the pretended marriage, the said Lady *Frances* was unacquainted with the said Earles want of ability and impediment formerly mentioned.

And furthermore, the said Earle long before this

Suit

Suit commenced, hath very often, and at ſundry times confeſſed in good earneſt, before witneſſes of good credite, and his friends and kinsfolks, that although he did his beſt endeavour, yet he never could not, nor at this time can have Copulation with the ſaid Lady *Frances*, no not once.

And alſo in regard of womaniſh modeſty, the ſaid Lady *Frances* hath concealed the former matter, and had a purpoſe ever to conceale it, if ſhe had not been forced through falſe rumours of diſobedience to the ſaid Earle to reveale them.

She requireth, ſince this pretended Matrimony is but a fact, and not in right; It may be Pronounced, Adjudged, and Declared, as none of none effect, and ſhe may be quit and freed from all Knot and Bond of the ſame, by your Sentence and Authority.

The Earle of Eſſex *replyeth*, 5. Jun. 1614.

TO the firſt and ſecond, he anſwereth affirmatively.

To the third, he thinketh that at the time of his Marriage he was full fourteen years, and is now twenty two and upwards; neither ſince hath had, or hath any ſickneſſe or impediments to hinder him, but that he might have had Copulation of a woman, ſaving in the time of his ſickneſſe of the Smal-Pox, two or three years after the ſaid Marriage, which continued for a moneth or ſix weeks, and at another time, when he had few fits of an Ague.

To the fourth he affirmeth, that for one year he diverſe times attempted: that the two other years he did lye in bed moſt commonly with her, but felt no motion or provocation; and therefore attempted the firſt year: when he was willing, ſhe ſhewed her ſelf ſome-

times willing, but other times refuſed.

To the fifth, he anſwereth, that he never knew her carnally, but found not any defect in himſelf; yet was not able to penetrate into the wombe, nor enjoy her.

To the ſixth, he believeth, that before and after the marriage, he hath found an ability of body to know any other woman, and hath oftentimes felt motions and provocations of the Fleſh, tending to carnal copulation; but for perpetuall and natural impediments he knoweth not what the words meaneth, but that he hath layen by the Lady *Frances* two or three years, and hath no motion to know her, and believeth he never ſhall.

To the ſeventh, he believeth not that the ſaid Lady *Frances* is a woman apt and fit for carnal copulation, becauſe he hath not found it.

To the eighth and nineth, he believeth them both to be true, and thin' eth that once before ſome witneſſes of credit, he did ſpeak to this purpoſe, that he had oftentimes endeavoured carnally to know her, but that he did not nor could.

The Lord Arch-biſhop his Speech to his Majeſty.

IN as much as we firmly believe that the Scripture directly or by conſequence doth contain in it ſufficient matter to decide all controverſies, eſpecially in things appertaining to the Church, and that Marriage amongſt Chriſtians can be no leſſe accompted then a ſacred thing, as being inſtituted by God himſelf in Paradice, honoured by the preſence of our Saviour himſelf, declared by St. *Paul* to be a ſigne of the ſpiritual conjunction between Chriſt and his Church.

I would be glad to know by what Text of Scripture either

either by the Old or New Teſtament, a man may have a warrant to make a Nullity of a Marriage ſolemnly celebrated *propter maleficium verſus hanc*: which I doe the rather ask, becauſe I finde warrants expreſſely (in the Scriptures) to make a Nullity of marriage, *propter frigiditatem*, by the words of our Saviour, *Matth.9.* 12. For there be ſome which are Chaſte or Eunuches, which are ſo born of their Mothers belly, and there be ſome which are made chaſte of men, and there be ſome which have made themſelves chaſte for the Kingdome of Heaven.

I would alſo know gladly, what ancient Father amongſt the Greeks or Latines, by occaſion of interpretation of Scripture, or any diſputation hath mentioned *maleficium verſus hanc.*

The like I demand touching ancient Councels, either General or Provincial, and concerning Stories Eccleſiaſtical, whether any ſuch matter be to be found in them. If (for ought that appeareth) never mention was made of this untill *Hercanus Rhemeſis Epiſcopus*, who lived 400. years after Chriſt, it may well be conceived that this was a concomitant of darkneſſe and Popiſh ſuperſtition, which about that time grew to ſo great an height (God permitting them) that puniſhment might fall upon the Children of Unbelief.

But ſince the light of the Goſpel is now in ſo great a meaſure broken forth again, why ſhould not I hope that thoſe who have imbraced the Goſpel ſhould be free from this *maleficium*, eſpecially, ſince amongſt a million of men in our age, there is not one found in all our Country, who is clearly, and evidently known to be troubled with the ſame; and if there ſhould be any, which ſhould ſeem to be moleſted, we are taught to uſe two remedies, the one ſpiritual phyſick, the other external.

For the firſt, our Saviour ſaid, *hoc genus demoniorum*

rum non ejicitur niſi per orationem & Jejunium. And St. *Peter* ſpeaking of the Devil, *cui reſiſtite firmi in fide*; and the *Canoniſts* themſelves preſcribe Alms, Faſting and Prayer, to be uſed in that caſe; but that they joyn Supplication and their exorciſmes thereunto; And for corporal medicine to be applyed there with, as againſt a diſeaſe. So is the Judgement of our late Divines, whether they ſpeak of *Maleficium* or not.

Now admit the Earle of *Eſſex* might be imagined to be troubled with *maleficium verſus hanc*, I demand what Alms hath been given, what Faſting hath been uſed, and what Prayers have been poured forth to appeaſe the wrath of God towards him or his wife; or what Phyſick hath been taken or medicine applyed for three years together: Not one of thoſe things, but the firſt hearing muſt be to pronounce a Nullity in the Marriage; of which Declaration, we know the beginning, but no mortal mans wit can foreſee the end, either in his perſon, or in the example.

The Arch-biſhop for Confirmation of his opinion ſhewed the teſtimony of *Beza*, *Melanchthon*, *Perillus*, *Hemingus*, *Pollanus*, *Feritenus*, and *Gautius*.

The Kings Anſwer.

TO the firſt Article, That the Scripture doth directly or by conſequence contain ſufficient matter to decide all controverſies, eſpecially in things appertaining to the Church, this is in my opinion *propoſites*, and one of the Puritans arguments, without a better diſtinction or explanation.

For the Orthodox propoſition is, that the Scripture doth directly or by conſequence contain in it ſufficient matter to decide all Controverſies in points of Faith and

and Salvation; of which ſort a nullity of marriage cannot be accompted, and therefore your conſequence upon the Propoſition muſt faile. For ſatisfaction of your following Queſtion, I ſay, your ſecond queſtion doth anſwer it: if there be warrant in Scripture for pronouncing a Nullity *propter frigiditatem*, then all the means which make him *frigidus verſus hanc*, muſt be comprehended therein: for, why doth our Church juſtly condemn the Marriage of a man with his Siſters Daughter, or the marriage of two Siſters, but a *paritate rationis*, for none of them is in *terminis* prohibited by Scriptures, onely the conſtruction is gathered a *paritate rationis*: for if it be not lawfull to marry your Fathers Wife, becauſe thereby you diſcover your Fathers ſhame; nor his Siſter, becauſe ſhe is his Kinſwoman; nor your own Siſter, becauſe thereby you diſcover your Father and Mothers ſhame; it can no more be lawfull to marry your Siſters Daughter, for thereby you diſcover alſo your own ſhame, as alſo the ſame reaſon ſerves for aſcending or deſcending in poinrs of Conſanguinity, *Quia par eſt ratio.*

The like is in this caſe: for although Chriſt ſpake onely of three ſorts of Eunuches, yet *ratio eſt quia non poteſt eſſe copulatio inter Eunuchum & mulierem*; and therefore St. *Paul* in the 1. of *Cor. v.* 7. telleth us clearly, that it is not *conjugium ſine copulatione*: I conclude therefore, *à paritate rationis*, that Chriſt did comprehend under theſe three ſorts all inability, which doth perpetually hinder *copulationem verſus hanc*: whether it be naturall or accidentall, for what difference is there between cutting off the hand, and being made impotent thereof? *Amputatio & mutilatio membri*, is all one in the Civil law; and it is a little defrauding of the woman, when either he who is to be her Husband is Gelded, or when the uſe of that member towards her is by any unlawfull means taken from

him: neither is it any way needfull to crave the particular warrant of the Scripture for a Nullity, no more then of warrantie in that place for any Nullity at all: For Christ doth not directly say, that a marriage so married shall be Nullified, neither doth he teach us what form of Proceſs shall be used, in that neither makes he mention of the triennial probation, no more then he forbiddeth marrying within the fourth degree without leave obtained of the Bishop of the Dioceſſe: It is then sufficient for all moderate examinants to be taught out of the Word of God, that marriage is *nulla ſine copula*; and that word, *quos Deus conjunxit*, is never found in Scripture where *durant ijs* doth not proceed (*viz.*) they two shall be one fleſh.

But whether the impediments be universall, or *verſus hanc* only, or whether the fault thereof hath been born with him, or done to him by violence, or fallen to him by diſeaſe, or diſproportion or inaptitude betwixt the perſons, or unnaturall practices, that is ever *par ratio*, he is *Eunuchus verſus hanc, & omnes alias*, ſeeing to her onely was he married.

Then *paritate rationis*, ſuch nullities are grounded upon the foreſaid warrantie of Scripture; neither hath Christ any occaſion to ſpeak of Jews marrying, concerning *maleficium verſus hanc*; for although it be apparent that God made King *Abimelech* and his ſervants unable to abuſe *Sara Abrahams* wife, and ſo was made by God himſelf *Eunuchus verſus hanc*, and that be not improbable, that the Devil being Gods Ape, ſhould imitate Gods works by his filthy Witch-craft by making ſuch as God will permit unable *verſus hanc*; howbeit, it be very probable that it was long after that the Devil put that trick upon the earth.

As for the third and fourth queſtions, what mention the Fathers and Councils doe make of *maleficium verſus hanc*. I anſwer, that it may be (if they were ſearched)

ſearched) that either ſomething to this purpoſe in them, or at leaſt *aliquid analogum*, with *à paritate rationis*, or by conſequence, may ſerve to decide the queſtion.

But leaving this to ſearch, my main anſwer, is, that we muſt diſtinguiſh of times: for in all the firſt ages as long as perſecution lay heavy upon the Church, & before the Empire Chriſtian, the Church did not meddle with any thing which drew a conſequence after it of poſſeſſion or inheritance, as marriage doth. Nay, even divers hundred years after the Converſion of the Emperours, the judgement and diſpoſition of all ſuch queſtions did ſtill remain *in foro civili*, untill the Popedome began to wax great, and to aſſume, or rather to uſurpe to her ſelf a ſupream and independant Judicature in all Eccleſiaſtical Cauſes; and therefore the Fathers and the Councils had no occaſion to make mention of that which was not *præfori* at that time.

And beſides, that is an evill argument to ſay ſuch a thing is unlawfull, becauſe the the Fathers and Councils make no mention of it: for you know much better then I, divers and many Points betwixt the Papiſts and us are never mentioned by the Fathers, becauſe that they could never have dreamed that ſuch queſtions would ariſe, and therefore are the Fathers exact onely in ſuch queſtions, as were agitated upon the ſtage in their time, as *de Trinitate*, *de Duabus in Chriſto naturis*, and ſuch like; and therefore ſufficient, that there can be nothing found which may juſtly be underſtood to contradict this opinion: and it is very probable (I ſay) before that, this trick of *maleficium* had not been put in practiſe in the world; and therefore not known or mentioned by them. For why may not the Devil as well finde out new tricks of Witch-craft (when God will permit him) as he doth daily new Sects and Hereſies? for his malice can never end untill the end of times.

To

To the fifth Argument my former queſtion doth alſo ſerve, for till the four hundred year after God (it may be) that divelliſh trick came never to be diſcovered; you know the old Proverb, *Ex malis moribus bonæ leges*; and it is not unlikely, that that time of darkneſſe gave the devil occaſion to deviſe ſuch new tricks; (look my *Demonologie*) and yet was that law for which you cite *Ibircanus* by *Charles* the Great, who in many great points (as you know) had ſo great light as I doe ſcarce tearm this time a time of blindneſſe; but how great ſoever that darkneſſe was in point of Superſtition, I will ſtill maintain as I have ever done, that for matter of order and policie, all the world ſhall never be able to finde out any ſo good, and ſo old an order of Government to be put in the place of that; in ſigne whereof there is no well governed Common-wealth in the Chriſtian world wherein the Common-law is not received to judge in queſtions of that nature. And it is certain that this queſtion now in hand is onely a queſtion of order and policie, for the ground of this queſtion, that the eſſential point of Matrimony cannot be accompliſhed *ſine copula*, is warranted by Scripture, and warranted by your ſelf.

To your ſixth Argument, or rather hope, I fear that hope ſhal prove contrary to faith; for as ſure as God is, there be devils, and ſome devils muſt have ſome power, and their power is in this world, neither are the elect exempted from this power: *Job* was not, St *Paul* was not; Chriſt ſaid to all his Diſciples, *Crebuerit vos Sathanas*: and if the Devil hath any power, it is over their fleſh; and if over their fleſh, rather over the filthieſt and moſt ſinful part thereof, whereunto Original ſin is ſoldered. As God before, and under the Law, to ſhew *officii altum* of purging mans original ſin, the *præputium* of the foreskin. And to exempt theſe of our Profeſſion from the power of Witchraft, is a Para-

dox

dox never yet maintained by any learned or wise men.

That the Devils power is not so universal against us, I freely confesse, but that it is utterly restrained, *quoad nos*, how was then a Minister of *Geneva* bewitched to death? and were the Witches daily punished by our Law, if they can harm none but the Papists, we are too charitable for avenging them only.

Sathan is permitted to punish man as well for the breach of the second, as of the first Table, and therefore are we no lesse guilty then the Papists are; and if the power of Witchraft reach to our life, much more to a member not so governed by the fancy wherein the Devil hath his principal operation; and he may so enstrange the Husbands affections towards the Wife, as he cannot be able to performe that duty unto her; for that is a common thing in many mens natures, that they cannot doe that thing but where they love, nor fight but where they are angry: God keep us therefore from putting the trial of our Profession upon Miracles; let the Miracle-mongers live by their owne Trade.

To the seventh Argument touching Remedies, what doe you know whether both parties, or either of them, have used their meanes of remedy or not? and that special remedy should be used publikly? for then I can see no necessity, for *non interest reipub. nec ecclesiæ*, and private persons are commanded to their fastings, and their Almes secretly and in private; no such cure also is likely to succeed well, except the parties own hearts and desires be set thereupon.

And as for your conclusion upon the *incommoda*, whether upon his person or the example, I can see none in either, so as to the couple between the marriage was never accomplished; truly they will peradventure both of them by the Declaration of the Nullity be made capable to accompish Marriage with others,

others, which they could never doe between themselves, wherein they may have the satisfaction of their hearts, and enjoy the blessing of Procreation of Children. And as for the Example, the Law should be fulfilled, with due administration of Justice, which cannot serve for an example or president of a counterfeit Nullity hereafter: *authoritas facti*, or rather *non facti sed luce clarior* in this case; besides the many probations, and confessions of the parties which have been taken in this processe: whereas by the contrary if they shall be forcibly kept together, their names and shadows may be kept together, but never their persons or affections, and they still be forced to lie in perpetual scandal and misery, or both; and what such a kinde of forced continencie may availe, the Monks continencie may teach us. And for a president in time to come, that reacheth no further then to open a way of lawful relief to any persons who shall chance to be distressed in that sort.

And for the Legal Doubts, they concerne none of your calling; for if your conscience be resolved in point of Divinity, that is your part to give your consent to Nullity, and let the Lawyers take the burden of making it so formal.

And as for the Trienial probation, I hope no man can be so blinde as to make a doubt whether it be taken before or after the suit began.

And in conclusion of divine solution of this question, proved clearly, that this resolution of this doubt, howsoever it was in blindnesse, as you think, that is now proved in the greatest time of light and purity of the profession of the Gospel: And for your extract upon the late Divines opinions upon this question, I cannot guesse what your intent was in sending them to me, for they all agree in tearms of my opinion; but there is such a thing as *Maleficium & maleficiale versus hanc*:

hanc: And your very enterlude paſſage proves the cleareſt; and for that advice concerning the Remedies. that is *conſilium non decretum*, not impoſing a neceſſity, but is to be uſed by diſcretion, as occaſion ſhall ſerve or require it.

To conclude then, if this may ſatisfie your doubts, I will end with our Saviours words to Sr *Peter*, *Cum converſus fueris confirma fratres tuos*; for on my conſcience, all the doubts that I have ſeen, are nothing but *Nodos in ſcirpo quærere.*

The Midwives appointed to make inſpection upon the Ladies body, gave in, that the Lady of *Eſſex* is a woman apt to have copulation, to bring forth children, and that the ſaid Lady is a Virgin and uncorrupted. Three Ladies affirme that they believe the ſame, for that they were preſent when the Midwives made their inſpection, and did ſee them give good reaſons for it.

There is a ſentence of Divorce given for the Nullity of the Marriage, and both parties married againe.

The Commiſſioners that gave the Sentence.

Biſhops { *Winchester.* / *Ely.* / *Coventry* and *Liechfield.* / *Rocheſter.*

Doctors { Sr *Julius Cæſar.* / Sr *Thomas Parry.* / Sr *Daniel Dunne.*

Commiſſioners

Commissioners dissenting.

Bishops { Arch. B. of *Canterbury*.
Bishop of *London*.

Doctors { Sr *John Bennet*.
Fran. James.
Tho. Edwards.

The

The proceedings againſt Richard Weſton, *at his Arraignment at* Guild-hall, *Novem.* 19. 1615. *before the Lord* Maior, *the Lord Chief Juſtice of* England, *and three other Juſtices of the Kings Bench,* Crook, Dodrige, *and* Hanton, *and Serjeant* Crew *another of the Commiſſioners.*

THE Court being ſet, the Kings ſpecial Commiſſion being read, the Lord Chiefe Juſtice gave the Charge; the effect whereof was, Firſt, to expreſſe the Kings pious inclination and command unto juſt proceedings againſt all ſuch as ſhould be any way proved to be guilty of the murthering and poyſoning of Sr *Tho. Overbury*, his Majeſties priſoner in the Tower.

Secondly, to aggravate the manner, and quality of the murther, in ſhewing the baſeneſſe of poyſoning above all other kinds of murther; declaring the vengeance of God, and his juſtice in puniſhing the offenders; he alleadged Gen. 9.6. *Quicunque effunderit humanum ſanguinem effundetur ſanguis illius, ad Imaginem quippe factus eſt homo*: He alſo took the example of *Vrias* by *David*; he therein obſerved how adultery is moſt often the begetter of that ſin.

Then he declared that of all Felonies, murther is the moſt horrible; of all murthers, poyſoning the moſt deteſtable; and of all poyſoning, the lingering poyſoning.

He ſhewed how by an Act of Parliament, 22. *H.* 8, 9. it

it was made Treason, and that wilful poysoners should be boyled to death, rehearsing the example of one *Richard Rouse* that had poysoned a man and woman, and was therefore scalded to death.

Then he laid open to the Jury the baseneſſe and cowardlineſs of poysoners, who attempt it secretly, against which there is no means of preservation or defence for a mans life; and how rare it was to heare of poysoning in *England*, so detestable to our Nation, but that since the Devil hath taught divers to be so cunning in it, so that they can poyson in what distance of place they please by consuming the *Nativum calidum*, or *humidum radicale*, in one month, two or three, or more as they list, which they foure manner of wayes do execute, 1 *Gustu.* 2 *Haustu.* 3 *Odore.* 4 *Contactu.*

He finisheth his charge with serious exhortations to the Jury to do justice in presenting the truth, notwithstanding the greatneſſe of any that upon their evidence should appeare to be guilty of the same offence, comforting both Judge and Jury with the Scripture, *Psal.*5.8. *fin. For thou Lord wilt bleſſe the righteous, with favour wilt thou comfort them as with a shield.*

The charge being ended, the Jury consisting of fourteen persons, did for the space of an houre depart from the Court into a private room, where they received their evidence from Mr. *Fanshaw* his Majesties Coroner, and his Highneſſe Councel prepared and instructed for that purpose, with the examinations and confessions as well of the Prisoner himselfe, as of divers witneſſes before that time taken by the Lord Chiefe Justice of *England*, and others of the Lords of his Majesties Councel.

In the mean time Mr. *william Goare* Sheriffe of *London*, was commanded to fetch his Prisoner remaining in his house, to be ready in Court for his Arraignment:

ment: So a certaine ſpace after, the Grand Jury returned to the Bar, and delivered in their Bill of Indictment, ſigned *Billa vera*; whereupon the Priſoner was ſet up to the Bar, and the Indictment read by Mr. *Fanſhaw*, which contained in effect:

That *Richard weſton* being about the age of ſixty yeares, not having the feare of God before his eyes, but inſtigated by the Devil, deviſed and contrived not only to bring upon the body of Sir *Tho. Overb.* great ſickneſſe and diſeaſes, but alſo deprive him of his life: and to bring the ſame to paſſe, the ninth of *May* 1613. and in the eleventh yeare of his Majeſties Reigne, at the Tower of *London* in the Pariſh of *Allhallows Barking*, did obtaine and get into his hands certaine poyſon of green and yellow colour, called *Roſacar* (knowing the ſame to be deadly poyſon) and the ſame did maliciouſly and felonioufly compound and mingle with a kinde of Broth powred into a certaine diſh, and the ſame Broth ſo infected, did give and deliver to the ſaid Sr *Th. Overb.* as good and wholſome Broth, to the intent to kill and poyſon the ſaid Sr *Tho. Overb.* which Broath he took and did eat.

Alſo the ſaid *weſton* upon the firſt of *July*, *an.* 11 Reigne aforeſaid, did in like manner get another poyſon or poyſonous powder, called *White arſnick*, and knowing the ſame to be deadly poyſon, did give unto the ſaid Sr *Tho. Overb.* as good and wholeſome to eat, who in like manner took and eat the ſame.

Alſo that *Weſton* upon the ſaid nineteenth of *July* following, did get another poyſon called *Mercury ſublimate*, knowing the ſame to be mortal poyſon, and put and mingled the ſame in Tarts and Jellies, and gave the ſame to the ſaid Sr *Tho. Overb.* as good and wholeſome to eat, which he in like manner took, and did eat.

Alſo the ſaid *weſton*, and another man unknown

(being an Apothecary) afterwards upon the fourteenth of *Decem.* felloniously did get a poyson called *Mercury sublimate*, knowing the same to be deadly poyson, and put the same into a Glister; and the said Glister, the said Apothecary for the reward of 20 *li.* promised unto him, did put and administer as good and wholesome into the guts of the said Sr *Thomas*; & that *weston* was present and aiding to the said Apothecary in ministring & infusing the said Glister; and immediately after S^r *Th.* did languish, and fell into diseases & distempers, and from the aforesaid times of taking and eating the said poysoned meats, and ministring the said Glister, he dyed. And so the Jury gave their verdict that *weston* in this manner had killed, poysoned, and murthered the said Sr *Tho. Overbury*, against the Kings peace and dignity.

Which Indictment being read, he was demanded if he were guilty of the Fellony, murthering and poysoning as aforesaid, yea, or no? To which he answered, doubling his speech, *Lord have mercy upon me; Lord have mercy upon me.* But being again demanded, he answered, Not guilty; and being then demanded how he would be tryed, he answered, He referred himself to God, and would be tryed by God, refusing to put himselfe and his cause on the Jury or Country according to the Law and Custome.

Hereupon the Lord Chiefe Justice, and all other in their order, spent the space of an houre in perswading him to put himselfe upon the trial of the Law, declaring unto him the danger and mischiefe he runnes into by resisting his ordinary course of triall, being the means ordained by God for his deliverance if he were innocent; and how by this means he should make himselfe the authour of his owne death, even as if he should with a knife or dagger kill or stab himselfe; exhorting him very earnestly either with repentance

to

to confeſſe his fault, or elſe with humility and duty to ſubmit himſelfe to his ordinary trial; whereupon he ſtubbornly anſwered, Welcome by the grace of God; and he referred himſelf to God, and ſo no perſwaſions would prevail: The Lord Chiefe Juſtice plainly delivered his opinion, that he was perſwaded that *weſton* had been dealt withall by ſome great ones (guilty of the ſame fact) as acceſſary, to ſtand mute, whereby they might eſcape their puniſhment; and therefore he commanded (for ſatisfaction of the world) that the Queens Attorney there preſent ſhould declare and ſet forth the whole evidence without any fear or partiality; and yet notwithſtanding, he once more uſed much perſwaſion to the Priſoner to conſider what deſtruction he had brought upon himſelf by his contempt, and declared unto him his offence of contempt was in refuſing his triall, and how the Laws of the Land had provided a ſharp and more ſevere puniſhment to ſuch offenders, then unto thoſe that were guilty of high Treaſon, and ſo repeated the form of the judgement given againſt ſuch, the extremity and rigor whereof was expreſſed in theſe words; *Onore, frigore, & fame.*

For the firſt, that he was to receive his puniſhment by the Law, to be extended, and then to have weights laid upon him, no more then he was able to bear, which were by little and little to be increaſed.

For the ſecond, that he was to be expoſed in an open place near to the priſon in the open aire being naked.

And laſtly, that he was to be ſerved with the courſeſt bread to be gotten, and water out of the next ſink or puddle to the place of Execution; and that day he had water, he ſhould have no bread; and that day he had bread, he ſhould have no water: and in this torment he was to linger as long as nature could

linger out; ſo that oftentimes they lived in the extremity eight or nine dayes: adding further, that as life left him, ſo judgement ſhould finde him; and therefore he required him upon conſiderations of theſe reaſons, to adviſe himſelf to plead to the Country, who notwithſtanding abſolutely refuſed.

Hereupon the Lord Chiefe Juſtice willed Sr *Lawrence Hide* the Queens Attorney, and there of Counſel for the King, to manifeſt unto the audience the guiltineſſe of the ſaid *Weſton* by his owne confeſſion, ſigned with his owne hand; and if in the declaration thereof they met with any great perſons whatſoever (as certainly there was great ones confederates in that fact) he ſhould boldly and faithfully open whatſoever was neceſſary, and he could prove againſt them; whereupon Mr Attorney began his accuſation.

Firſt, he charged the Counteſſe of *Somerſet* and and the Earle to be principal movers of this unhappy concluſion, Mrs. *Turner* to be of the confederacie, and the pay-miſtreſſe of the Poyſoners rewards; in which I could not but obſerve the Attornies boldneſſe in tearming the Counteſſe a dead and rotten branch, which being lopt off, the whole Tree (meaning that noble Family) would proſper the better.

Secondly, he proceeded to the cauſe, which he affirmed to be the malice of the Counteſſe, and the ground of this malice he alleadged, and by many inducements he evidently affirmed that Sr *Tho. Over.* had perſwaded him from that adulterate marriage of the Counteſſe of *Somerſet* then Counteſſe of *Eſſex*, and for this he alleadged as followeth.

Sr *Tho. Over.* having divers times diſſwaded the Earle, then Viſcount *Rocheſter*, from ſeeking by any means to procure marrying with the Counteſſe of *Eſſex* (to which he ſaw the Earle too much inclined)

having

having very earneſt conference with the Earle one night in private in the Gallery at *white-hall* concerning his intendments, perceiving the Earle that time too much to deſire that unlawful conjunction; in the ardency of his fervent affection unto the Earle, and great preſcience of future miſery it would inevitably bring unto him (his wel-beloved Lord, and friend) uſed ſpeeches to this effect: Well my Lord, if you do marry that filthy baſe woman, you will utterly ruine your honour, and your ſelfe; you ſhall never do it by mine advice or conſent: and if you do, you had beſt look to ſtand faſt.

My Lord replyed (bewitched with the love of the Counteſſe, and moved with the words of Sir *Tho. Over.* for ſleighting her) My owne legs are ſtreight, and ſtrong enough to bear me up; but in faith, I will be even with you for this: and ſo parted from him in a great rage.

This conference was over-heard by ſome in an adjoyning room, and their depoſitions for the truth thereof were read in Court.

Although this conference moved the Earle to ſuch a ſuddain choler, yet it ſeemed Sir *Tho. Over.* conceited it not to be otherwiſe then a ſuddain extream diſtemperature, or paſſion, and not a final concluſion of their boſome friendſhip; in which the Earle ſeemed as reciprocal as before, howſoever in his double dealing it ſeemed to be clearly otherwiſe.

For upon this the Earle moved the King to appoint Sir *Tho. Over.* to be Ambaſſadour for *Ruſſia*: the King willing to prefer Sir *Thomas*, as one whoſe worth and valour was yet unknowne to his Majeſty, accordingly injoyned him that ſervice; the which Sir *Thomas* was moſt willing to accept of as a gracious aſpect of the King towards him: which willingneſſe

lingneſſe of his was proved by the depoſitions of two or three witneſſes read in Court, and by the oath of Sir *Dudly Diggs*, who voluntarily at the arraignment in open Court upon his oath witneſſed how Sir *Thomas* had imparted to him his readineſſe to be imployed in an Ambaſſage.

The Earle as well abuſing the Kings favours in moving to ſhew favour, wherein he meant the party ſhould take no benefit, as bearing unhoneſt friendſhip in conference with Sir *Thomas* concerning that imployment, perſwaded him to refuſe to ſerve Ambaſſadour, whereby (quoth he) I ſhall not be able to performe ſuch kindneſſe to your advantage, as having you with me; and (quoth he) if you be blamed or committed for it, care not, I will quickly free you from all harme: Sir *Thomas* thus betrayed by a friend, refuſed to ſerve in that nature, whereupon by juſt equity he was committed to the Tower.

Being thus committed, he was preſently committed cloſe priſoner, and a Keeper he muſt have, and who muſt that be but this *Weſton*, who was commended by the Counteſſe of *Eſſex* to Sir *Thomas Monſon* to be by him commended over unto the Lieutenant of the Tower to be Keeper to Sir *Tho. Over*. Sir *Tho. Monſon* according to the Counteſſes requeſt, commended the ſaid *Weſton* to Sir *Jervas Elvis*: whereupon the Lieutenant entertained the ſaid *Weſton*, and appointed him to be Keeper to Sir *Th. Overb*. The ſaid *Weſton* upon his own confeſſion read in Court, ſigned with his mark, had during the time that ſhe was Counteſſe of *Eſſex*, been a procurer and a Pander to the ſaid Earle Viſcount *Rocheſter*, and the ſaid Counteſſe of *Eſſex*, for the convening and effecting of their adulterate deſires, which they did divers times conſummate, meeting in Mrs. *Turners* houſe once between the houres of eleven and twelve

at

at *Hamerſmith*, and divers times elſewhere for that purpoſe; ſo that now by the procurement of the ſaid Counteſs (who hated Sir *T. Overb.* for being a means to keep them from contaminating themſelves with ſuch luſtful imbracements, and from the propoſed Marriage they mutually laboured to compaſs) Her Pander was become his Keeper, a fit Agent for Luſt and Murther.

Weſton now being become Sir *Tho. Overb.* Keeper, kept him ſo cloſe, that he could ſcarce have the comfort of the dayes brightneſs, neither ſuffered he any one to viſit him, father, brother, his beſt friends, his neereſt kindred were ſtrangers to him from the beginning of the impriſonment unto the end.

Mrs. *Turner*, upon the firſt dayes keeping, promiſed him a contented reward if he would adminiſter ſuch things to Sir *Tho. Overb.* as ſhould be ſent unto him, thinking him a fit inſtrument to compaſs black murther, that was ſo well acquainted with foul luſt (and ſo indeed they found him,) for he agreed, and did promiſe to adminiſter whatſoever ſhe would ſend him. Mrs. *Turner* upon this murtherous promiſe, the very ſame day *Weſton* became Sir *Tho.* Keeper, being *6. May*, 1613. ſent unto him the ſaid *Weſton* certain yellow poyſon called *Roſacar*, in a viall; *Weſton* having received that poyſon the foreſaid *6. May*, at night bringing Sir *Tho. Overb.* ſupper in one hand, and the vial in the other, meets with the Lieutenant, and asks him in theſe terms, *Sir, ſhall I give it him now*; upon this word *now* my Lord Chief Juſtice demurs to aggravate the maliciouſneſs, affirming that this particle *now* ſhewed a reſolution to poyſon him, onely fit time and circumſtances were to be reſpected by him. What ſhall you give him? replyes the Lieutenant. *VVeſton* replyes, As if you do not know Sir. The Lieutenant blaming him, he carries the poyſon into an inner

room, which *Weſton* did adminiſter to Sir *Tho. Overb.* the 9. *May* in broth: this was proved both by *Weſton* and the Lieutenants Confeſſion.

Weſton having given this poyſon, which wrought very vehemently with him by vomits, and extream purging, he preſently demands his reward of Mrs. *Turner*, who replies, The man is not yet dead, perfect your work, and you ſhall have your hire. This was confeſſed by *Weſton* under his mark.

Sir *Tho. Overb.* by his cloſe impriſonment and poyſon, growing ſick, and daily languiſhing, after three or four weeks ſpace conſidering he had not obtained his freedome and releaſe, having no friends ſuffered to come unto him, but onely ſuch as the Earl ſent to comfort him (of his own followers) wrote to the Earl to remember his impriſonment, who returned anſwer, The time would not ſuffer, but aſſoon as poſſible it might be he would haſten his delivery (ſo indeed it ſeems he intended to do) but not ſo as Sir *Tho. Overb.* conceived, whoſe true affection would not admit his judgement to debate the ſtrangeneſs of his impriſonment, which he might well think then the Earl might eaſily have relieved.

On the 5. of *June* Viſcount *Rocheſter* ſent a Letter to Sir *Tho. Overb.* in the Letter he ſent him a white powder, willing Sir *Tho.* to take it, It will (quoth he) make you more ſick, but fear not, I will make this a means for your delivery, and for the recovery of your health: Sir *Tho.* never dreaming of baſe treachery, but conceiving of it as friendly policy, received the ſaid powder, which wrought upon him moſt vehemently, whereupon his ſickneſs grew more violent, and his languiſhment encreaſed: which white powder upon *Weſtons* confeſſion was poyſon.

Sir *Tho. Overb.* his ſickneſs encreaſing, and with it his wondring that he could not in two months be releaſed

leaſed after his Phyſick taken, he thus wrote to the Earl, lamenting his own eſtate, and taxing the Earl of his forgetfulneſs of his weak eſtate; for his faith being thus ſhaken with the Earls unkindneſs, gave way for his judgement to ſcan thoſe actions, rather like an underſtanding man, then a loving friend, as appeareth by his Letter ſent to *Rocheſter*, the effect whereof was thus, as is averred by the depoſitions of Sir *Tho. Overb.* ſervants, who ſaw the Letter.

Sir, I wonder you have not yet found means to effect my delivery: but I remember you ſaid you would be even with me (not ſuſpecting, as it ſeemeth, any poyſoning, but an unkind forgetfulneſs of my Lord of *Rocheſter*) *and ſo you are indeed; but aſſure your ſelf my Lord, if you do not releaſe me, but ſuffer me me thus to dye, my blood will be required at your hands.*

My Lord comforts him, and excuſes, that it cannot yet be compaſſed. Sir *Tho.* after the powder taken languiſhed deadly, and to comfort him ſome followers of my Lord of *Rocheſter* are ſent to him daily, in the name of my Lord, by the appointment and procurement of the Lady *Eſſex* (as *Weſton* confeſſed) to viſit, and comfort him, and intreat him, if he deſired any meats, he ſhould ſpeak, and it might better (perhaps) be provided for him then he ſhould have any from the Tower. This was three moneths after his impriſonment.

He, as men ſick, deſired luſcious meats, Tarts and Jellies, which were provided by Mrs. *Turner* with the knowledge of the ſaid Counteſs, and ſent unto him, of which he did eat, the which Tarts were poyſoned with *Mercury ſublimate*, not being ſo well coloured as other Tarts are; and *Weſton* confeſſed, that he was ſtraightly charged not to taſte thereof.

Sir

Sir *Tho.* thus continuing languiſhing and conſuming with the extremity of ſickneſs untill *6. Septemb.* then the aforeſaid Mrs. *Turner* did procure an Apothecaries boy for 20. l. to poyſon a Glyſter, which was by the boy and *VVeſton* afterwards adminiſtred as good Phyſick upon *7. Octob.* After the receipt of the Glyſter, he fell into great extremity of vomiting and other purging, which left him not till it cauſed his ſoul to leave his poyſoned body. This *VVeſton* confeſſed and ſigned.

Being thus dead, he was preſently and very unreverendly buried in a pit digged in a very mean place. On his body thus venomouſly infected appeared divers blains and bliſters, whereupon they to take away as well his good name as his life, did ſlanderouſly report that he dyed of the French Pox; but this report was cleared in Court by the depoſitions of his ſervants and other men of worth there read, that before his impriſonment he was a clear and ſound body, only he had an Iſſue in his left arm purpoſely made for the benefit of his nature, for the avoiding of Rhume and ill humours, which with continual ſitting at his ſtudy he had ſubjected himſelf unto. He further obſerved the confeſsion of the Lieutenant to be, that if any priſoner dyed there, his body is to be viewed, and inquiſition to be taken by the Coroner.

But Sir *Tho. Overb.* friends and others might by no means be ſuffered to ſee his body, although it was reported that there was Inquiſition taken, yet it could by no means be found.

After Mr. Attorney had ended his ſpeech, Mr. *Warr* alſo of Counſel for the King, declared to the Court what familiarity he had with Sir *Tho.* being both of the Temple together, much commending his ſingular honeſt and vertuous converſation, affirming that he was addicted to no diſhoneſt actions; and from this he

he proceeded to urge his hard uſage in the Tower, where he might have no company but the Apothecary and a Walloon, and repeating the ſending of the Tarts and Jellies in my Lord of *Somerſets* name, and ending his ſpeech with this ſaying, *Pereat unus ne pereant omnes; pereat peccans, ne pereat Reſpub.* Then by the commandment of the Court were read by Mr. *Fanſhaw* the examination of divers witneſſes taken before the Lord Chief Juſtice and others, which in effect was as followeth.

Lawr. Davis *ſervant to Sir* Tho. Overbury *examined 15. Octob. 1615. before the Lord Chief Juſtice.*

HE ſaid, that he had ſerved Sir *Tho. Overb.* eight or nine years, in all which time he was very healthful, and never kept his bed for any ſickneſs, only he was troubled ſometimes with the Spleen, for eaſe whereof he had by the advice of his Phyſician an Iſſue made in his left arm, but before his impriſonment he had no ſores, bliſters, or other defects in his body. Alſo he ſaith, Sir *Tho.* would have gone over upon the Embaſſage, but was diſſwaded by *Somerſet*, who promiſed to bear him out. He complained, he needed not to be a priſoner, if *Somerſet* would; and if he dyed his blood ſhould be required at his hands: That *Somerſet* was as good as his word, who told him at *Newmarket* he would be even with Sir *Tho. Overb.*

Henry

Henry Payſton *another ſervant of Sir* Tho. Overb. *examined, 15. Octob.* 1615.

HE affirmeth, that Sir *Tho.* was of a very good conſtitution of body; that he uſed ſometimes to run, to play at Foiles, and ſuch like; that he was of a moderate diet, never had any ſores ſaving the ſaid Iſſue in his arm; that Sir *Tho.* wrote Letters to *Somerſet*, ſignifying he needed not to lye in priſon if *Somerſet* would, and if he dyed, his blood ſhould be required at his hands; alſo that Sir *Tho.* at one of the clock at night meeting *Somerſet* in the Gallery at *White-Hall*, had ſpeeches with him touching the Counteſs, whom he called baſe woman, and told *Somerſet* he would overthrow all the Kings favours and honours: and upon diſpleaſure between them at this conference, Sir *Tho.* deſired *Somerſet* he might have his portion due, and he would ſhift for himſelf, whereunto *Somerſet* anſwered, *And my legs are ſtrong enough to carry me*, and ſo flung away in an anger; all which this examinant heard, being in a chamber next to the Gallery.

Sir *Dudly Diggs* being preſent in Court, and ſworn, declared *Viva voce*, that he was ſent by a Privy-Councellor a great man to Sir *Tho. Overb.* to bring him to this great man, which he did, and coming back together over the water in a Boat, Sir *Tho.* was much diſcontented, the reaſon whereof he ſaid was, that he was perſwaded by the great man to withdraw himſelf from the Court for ſome reaſons which he diſcloſed; not and Sir *Dudly* being ſent afterwards by the Lords to know the reſolution of Sir *Tho.* touching the Embaſſage, he found him to rely upon my Lord of *Somerſet*, ſaying, My precious Chief knows the Kings mind

mind better then any, and I the mind of my precious Chief.

Richard Weſton *the Priſoner 6. Octob. coram* Cook & Crew.

HE affirmeth, that before Sir *Tho.* was in the Tower, he this examinant carried three Letters to *Somerſet* for the Lady *Eſſex*, to *Royſton*, *Newmarket*, and *Hampton-Court*, and he delivered anſwer to Mrs. *Turner*, and that upon the Letter to *Hampton-Court* he had anſwer by word of mouth, only that his Lordſhip would come; and that coming back he met with the Counteſs and Mrs. *Turner* half way, in the Coach, whom he told that the Lord onely anſwered ſo, whereupon the Counteſs ſtrook out of the way into a Farmers houſe hard by, whither within a little ſpace *Somerſet* came; and that afterwards they met in the night at Mrs. *Turners* houſe in *Pater-noſter-row*; and he confeſſeth, that of a year before Sir *Tho.* his impriſonment no man carried Letters between them but he.

Sir Tho. Monſon, 5. *Octob. coram* Cook & Crew.

HE ſaith, that he never knew *VVeſton* until Sir *Tho. Overb.* was priſoner in the Tower, and that he preferred him to the Lieutenant to be Keeper to Sir *Tho. Overb.* at the requeſt of the Counteſs.

Anne

Anne Turner *widow examined* 11 *Octob.* 1615. *coram* Cook.

SHe ſaith that *weſton* was an ancient ſervant, and her husbands Bayliffe in the Country: ſhe denieth to have any thing to doe in placing him in the Tower; but ſaith the Counteſſe of *Eſſex* did effect it, and uſed the helpe of Sir *Tho. Monſon* therein.

Sir Jervas Elvis *examined* 3. *Octob.* 1615. *coram* Cook & Crew.

HE ſaith, that he had a letter from Sir *Tho. Monſon*, requeſting him that *Weſton* might be Keeper to Sir *Tho. Overb.* and that he did performe it; and afterwards having conference with Sir *Tho. Monſon*, told him that his Keeper was not to ſuffer any letters or tokens to be delivered to him.

Richard Weſton *the priſoner examined againe.*

HE confeſſeth he ſhewed the Glaſſe that was delivered him by his ſon from the Counteſſe, to the Lieutenant, and told him it came from the Counteſſe of *Eſſex*, and that he perſwaded him not to give it to Sir *Tho. Overb.* and ſaith he had divers Tarts from the Counteſſe to give to Sr *Thomas*, with Caveats that himſelf ſhould not taſte of them, and confeſſeth he thought they were poyſoned. He ſaith Mrs. *Turner* appointed him to come to *white-hall*, and that ſhe dealt with him to give Sir *Tho. Overb.* the water, and told him he ſhould not drinke thereof, and promiſed him a great reward, and he ſuſpected it was poyſon; his ſon afterwards delivered him the glaſſe which he ſhewed to the Lieutenant, who rebuked him; and ſo he

he ſet the glaſſe in a ſtudy near to Sir *Thomas* his chamber, but gave it him not, although he told Mrs. *Turner* the next day he had given the water, which made Sir *Thomas* to vomit often, and to be exceeding ſicke. He ſaith Mr. *James*, and Mr. *Rawlings*, ſervants to the Counteſſe, came often to know of this Examinant how Sir *Thomas* did, and what he would eat, and they delivered him Jelly and Tarts, which he gave to Sir *Thomas* who did eat thereof. He ſaith he demanded of Mrs. *Turner* his reward, who anſwered, he was not to have his reward untill Sir *Thomas* was dead, and that he was promiſed a Purſevants place, but confeſſeth that afterwards at two ſeverall times he received ſecretly after the death of Sir *Thomas* for a reward by Mrs. *Turner*, from the Counteſſe, 180 *li.*

William Weſton, *ſon to the priſoner examined.*

HE confeſſeth he received a Glaſſe from the Counteſſe by her ſervants two inches long, being wrapped in a paper, which he delivered to his father in the Tower.

Then was read the confeſſion of the Lieutenant to the King, that *Weſton* met him, carrying Sir *Thomas*'s ſupper in one hand, and the glaſſe in the other, and demanded of the Lieutenant thus; Sir, ſhall I give it him now? whereat the Lieutenant ſtepped to him, and asked him what? to which *Weſton* ſaid, why, know you not what is to be done? and ſo the Lieutenant having made him to confeſſe the matter, diſſwaded him, and he ſeemed to be reſolute not to do it; and afterwards this *Weſton* confeſſed to the Lieutenant an Apothecary had twenty pound for miniſtring a Gliſter to Sir *Tho. Overbury.*

Weſton

Weſton *the priſoner examined before the Lord* Zouch, *and others.*

COnfeſſeth, that Sir *Thomas* had a Glyſter which gave him ſixty ſtools and vomits: alſo being confronted with the writings of Sir *Jer. Elvis*, and charged therewith, confeſſeth the ſame to be true.

Simon Marſon *Muſitian examined.*

SAith he ſerved Sir *Tho. Monſon* ſix years, and was preferred by him to the Kings ſervice, but waited ſometimes upon Sir *Thomas Monſon*; he ſaith he received divers Tarts and Jellies from the Counteſſe of *Eſſex*, to be carried to the Lieutenant of the Tower for Sir *Tho. Over.*

Paul de la Bell *examined.*

SAith, that the third of *July*, he made Sir *Tho. Over.* a Bath by Dr. *Michams* advice to coole his body, and he ſaw his body exceeding fair and clear; and again, he ſaw his body (being dead) full of Bliſters, and ſo conſumed away as he never ſaw the like body.

Giles Rawlings *a kinſman of Sir* Thomas Overbury *examined.*

SAith, upon the bruit of the murther of Sir *Tho.* he was taxed by ſome why he made no proſecution; he thereupon made a Petition, and delivered it to the King, that the examination of the cauſe might be referred to the judgement of the Law, and denieth

denieth that he was perſwaded by any to the contrary. He ſaith, that he comming often to the Tower to ſee Sir *Thomas*, could not be ſuffered to ſee him ſo much as out of the windows, and *weſton* told him it was the commands of the Councel, and the Lieutenant.

The *Lieutenant of the* Tower *examined.*

HE ſaith, that after the death of Sir *Thomas*, *VVeſton* came to him and told him, he was much neglected and ſleighted by the Counteſſe, and could receive no reward; but afterwards he confeſſed he had received a hundred pounds, and ſhould receive more: and the Lieutenant alſo ſaith, that Sir *Thomas* was very angry with his Apothecarie at certain Vomits which he had; and alſo that the Tarts and Jellies which he had, would be found within a day or two ſtanding ill coloured; and that no body did eat thereof but Sir *Thomas*: and *VVeſton* confeſſed to him that an Apothecarie had twenty pounds for miniſtring the Glyſter. Theſe examinations being read and applied to the purpoſe, the Lord Chief Juſtice ſaid he would diſcharge his duty firſt to God, in giving all glory for the bringing to light of ſo horrible and wicked a fact; and next to the King (his great Maſter) who as in caſe of the like nature, in the caſe of *Zanq.* and *Turner*, ſo ſpecially in this caſe hath given given ſtreight charge of due and juſt examination to be had without any partiality or fear of the world; to the intent as well the innocent might be free, as the nocent and guilty ſeverely puniſhed.

And for this purpoſe, his Majeſty had with his owne hand written two ſheets of paper on both ſides, concerning Juſtice to be adminiſtred to all perſons which were to be examined; which writing the Lord

Chief Justice shewed to the Lord Maior, and the rest of the Commissioners: and then he declared the Kings justice, who albeit the many favours and honors which his Majesty had bestowed upon the Lord of *Sommerset*, and his nearnesse to his person by reason of his office; yet he had committed him prisoner to the Dean of *westminster* under the custody of Sr *Oliver*, & Sr *John*; and also had committed his Lady: so having last of all demanded again of the prisoner, if he would put himself to be tried by the Country, which he refused; the Court was adjourned untill Munday following at two of the clock in the afternoon.

The second Arraignment of Richard Weston.

ON Munday the 23 *Oct.* 1615. to which day the Court was adjourned by the said Commission; afer Proclamation made, the Jury of life and death called the prisoner, *VVeston* was set to the Bar, and Mr *Fanshaw* Clerk of the Crown, declared to him that he had been formerly arraigned, and pleaded not guilty: so he demanded of him how he would be tryed? whereunto the prisoner answered, by God and his Country; and thereupon the Jury being sworn, the Indictment being read, as before, Sir *Lawr. Hide* the Queens Attorney, being of the Councel for the King, having briefly rehearsed the effect of the Indictment, shewed how that he must necessarily mention others that were guilty of the same fact, wherein if any other man were touched, their cause it was, and not he that touched them.

And therefore *VVeston* being but a stranger to Sir *Tho. Overbury*, and one who by himself could reap no benefit by his death, it was against all reason he would do it himself, therefore (said he) I must needs open the whole plot; and having first declared the worth and honesty

honeſty of Sir *Tho. Overb.* ſhewed his familiarity with the Lord of *Rocheſter*, and how he often willed him to forbear the company of the Lady *Eſſex*, tearming her a vile and baſe woman, which ſtirred up the anger and malice of the Counteſſe againſt him.

And afterwards the King intended for the honour and preferment of Sir *Tho. Overb.* to ſend him upon an Ambaſſage; whereunto he was willing, but was dealt with, and perſwaded by *Rocheſter* to diſobey the Kings direction and counſel, with promiſes that he would bear him out; upon which contempt Sir *Thomas* was committed to the Tower 22 *April* 1613. Sir *William Wade* being Lieutenant of the Tower; and the 6. of *May* following, Sir *William* was removed, and Sir *Jer. Elvis* put in his place.

And the very next day after, *Weſton* by the procurement of the Counteſſe, was preferred to the ſervice of the Lieutenant, and to be Keeper of Sir *Tho. Overb.* which *Weſton* had been ſervant to Mrs. *Turner*, and the onely agent in conveying letters and meſſages between *Roch.* and the Counteſſe; and he whoſe office ſhould have been to ſave and keep, was now appointed to kill and murther him.

He ſhewed how the very ſame day of his entertainment at the Tower, he was ſent for to the Counteſſe, who promiſed him that if he would give Sir *Thomas* a Water that ſhould be delivered to him, he ſhould be well rewarded; and ſhe bad him not taſte of it himſelf.

And that the ninth or *May* aforeſaid, the ſaid water was ſecretly ſent from the Counteſſe to *Weſton* by his ſon; and the ſame night *Weſton* meeting the Lieutenant, with Sir *Thomas*'s ſupper in one hand, and the Glaſſe in the other, he demanded of him, *Sir, ſhall I give it him now?* whereupon the Lieutenant took him aſide, and diſſwaded him ſo far forth, that he

confessed he thanked God on his knees that he had met with him: But Mr. Attorney observed this notwithstanding, that the Lieutenant did let him go away with the poyson; and albeit he now denyeth he ever gave the poyson, yet said he did deliver it: He confesseth to Mrs. *Turner* he had done it, saying, It made him very sick, and to vomit often, demanding of her his reward; she answered, he was not to have it till Sir *Tho.* was dead. Then he shewed, 30. *June* following, a certain powder was sent in a Letter to Sir *Tho.* from *Roch.* perswading him not to fear, though it made him sick, for that should be his reason to move the King for his enlargement. And that the 14 *Septemb. weston* and the Apothecary ministred the Glyster to Sir *Tho.* which gave him 60. stools and vomits, and that he dyed the next day, remembring the botches and blisters on his body being dead. He shewed how *Weston* came to Mrs. *Turner* for his reward, which was deferred till his death; and that he had received in secret from the Countess by Mrs. *Turner* at several times for his reward 180. l. and that the Apothecary had for his reward 20. l. all which *weston* had confessed to be true.

Then remembring how ignominiously they buried him, not suffering any to see him for fear he should be digged up again, and without any Coroners inquest that should be found: And thus he ended his speech.

And all this opened and set forth by Mr. Attorney, Mr. *Wray* onely added thus much, which he desired the Jury to consider, that *Weston* was servant to Mrs. *Turner* when Sir *Tho.* was committed, and then he was entertained and made Keeper to Sir *Tho.* and having dispatched his business, Sir *Tho.* being dead and poysoned, he stayes no longer at the Tower, but returns again to his Mrs. *Turner.*

Then

Then the Lord chief Juſtice exhorted the Jury to take God before their eyes, with equall balance to weigh as well the anſwer of the priſoner as the proofs and examinations againſt him, declaring unto them how quietly and freely he had examined him without any menacing, or threatning, or rough uſage, which the priſoner confeſſed; and my Lord, for matter of Law, ſatisfied the Jury, that albeit in the Indictment it be ſaid to be *Roſacar*, white *Arſnick*, *Mercury ſublimate*, yet Jury were not to expect ſo preciſe proof in that point, ſhewing how impoſſible it were to convict a poyſoner, who uſeth not to take any witneſſes to the compoſing of his *ſlibber ſauces*; wherefore he declares the Law in the like caſe, as if a man be indicted for murthering a man with a dagger, and it fall out upon evidence to have been done with a ſword, or with a Rapier, or with neither, but with a ſtaffe; in this caſe the inſtrument skilleth not, ſo that the Jury finde the murther; and ſo in the Priſoners caſe, if they would be ſatisfied of the poyſoning, it skilleth not with what, therefore he required them to attend the proofes.

Then were read firſt the Examinations of *Lawr. Davis* as at the firſt Arraignment, then of *Henry Payton*, both ſervants to Sir *Tho.* then of *Weſton* himſelf formerly read; the examination of Sir *David Wood* taken the 21. *Octob.* 1615. ſince the firſt Arraignment. He ſaith he had obtained the Kings conſent to a ſuit, for which he was a Petitioner, and that he was croſſed by *Roch.* and Sir *Tho. Overb.* that for certain words he had received from Sir *Tho.* he intended to baſtinado him; that his ſuit would have been worth 2200. l. and that *Roch.* would not let it paſs unleſs he might have 1200. l.

That the Lady *Eſſex* ſent for this examinant upon the day that the King and Queen went to *Rocheſt.*

with the Lady *Eliz.* and told him ſhe underſtood he had received much wrong from Sir *Tho. Overb.* and that he was a Gent. that could revenge himſelf, and that Sir *Tho.* had much wronged her; and Sir *David* anſwered, that Sir *Tho.* had refuſed him the Field; ſhe perſwaded him to kill him, and promiſed him for his reward —— and protection from his enemies, which he refuſed, ſaying, He would be loth to hazard going to *Tyborn* upon a womans word; but ſhe ſtill perſwaded him he might eaſily do it, as he returned late home from Sir *Charles VVilmots* in his Coach.

Then were read the Examinations of Sir Tho. Monſon *and Mrs.* Turner, *as at the firſt Arraignment.*

NExt, the Examination of *VVeſton* before the Lord *Zouch*, Sir *Ralph VVinwood*, Sir *Tho. Parry*, and Sir *Foulk Grevill*, at the Dutchy houſe 21. *Septemb.* 1615. where *Weſton* did confeſs he was preferred to the keeping of Sir *Tho. Overbury* by Mrs. *Turner* upon the means and requeſt of Sir *Tho. Monſon* to the Lieutenant, and that ſhe told him he ſhould be well rewarded: and being confronted with a relation in writing which Sir *Jer. Elvis* had made to the King, as touching Sir *Tho. Overbury*, he confeſſed the ſame to be true.

The

The Examination of the Lieutenant, taken 5. Octob. 1615.

HE ſaith, that having conferred with his ſervants about the time of *Weſtons* coming to the Tower, he found it to be the very next day after he was made Lieutenant, and had poſſeſſion of the Tower, and that he had Letters from Sir *Tho. Monſon* that *Weſton* might be Keeper to Sir *Tho. Overb.* which Letters he hath loſt; and Sir *Tho. Monſon* told him the chief purpoſe of *Weſtons* keeping Sir *Tho. Overb.* was to ſuffer no Letters or other meſſage to paſs to or from, and to that purpoſe he adviſed the Lieutenant.

Weſtons *Examination, 5. of October, 1615.*

HE confeſſeth, that the next day he was preferred to the Tower, he had the keeping of Sir *Tho. Overb.* and ſoon after he received the glaſs by his ſon ſecretly from the Counteſs, and that the Lieutenant told him all the Tarts came likewiſe from her; and he confeſſeth, that the Counteſs willed him to give them to Sir *Tho.* but not to taſte of them himſelf.

Weſton *examined, 1. Octob. 1615.*

CONfeſſeth, that Mrs. *Turn.* appointed him to come to *White-Hall* to the Counteſs the next day that he was at the Tower, and that he went, and that the Counteſs did requeſt him to give Sir *Tho. Overb.* what ſhe ſhould deliver him, but not to drink of it himſelf; ſhe promiſed to give him a good reward,

ward, and he ſuſpected it was poyſon, and he received the glaſs by his ſon, and told the Lieutenant of it, who did rebuke him; and he ſet the Glaſs in a little ſtudy. He confeſſeth he told Mrs. *Turner* he had given it him, and demanded his reward. That Mr. *James* and Mr. *Rawl.* my Lord of *Somerſets* men came often to know of him what Tarts, Jellies, or Wine Sir *Tho.* would have, and they brought divers times Tarts and Jellies, whereof he did eat.

The Confeſſion of the Lieutenant to his Majeſty.

Your Majeſties ſervant Sir Jervas Elvis.

AFter *Weſton* was placed in the Tower, he met with me with Sir *Tho.* ſupper and the glaſs, and asked me, *Sir ſhall I give it him now?* wherein I proteſt unto your Majeſty my ignorance, as I would alſo be glad to proteſt the ſame to the world; ſo I privately conferred with *Weſton*, and by this means made him aſſured unto me, and knew all, but diſſwaded; and as *Weſton* hath ſince the death of Sir *Tho.* confeſſed unto me, that the Glyſter was his overthrow, and the Apothecary had 20. l. for adminiſtring it.

Here the Lord Chief Juſtice obſerved by this queſtion of *Weſton* to the Lieutenant, *Sir ſhall I give it him now?* that it was preſently agreed and plotted before what ſhould be done, and that nothing more was doubted on, but the time when it ſhould be done.

The *teſtimony of* Lawrence Davis, *taken upon Oath before* Cook *and* Crew.

HE affirmeth that *Weſton* delivered him a Letter from Sir *Tho. Overb.* to *Roch.* the effect whereof was, that he would do his endeavor in being a means of friendſhip between *Roch.* and ſome others, but as touching the Marriage with the Counteſs of *Eſſex*, he would never give his conſent: and alſo bringing a Letter from *Roch.* to Sir *Tho. Monſon*, he delivered it to *Weſton*, and a paper of white powder fell out, which *Roch.* perſwaded Sir *Tho. Overb.* to eate, and not to fear, though it made him ſick, for that ſhould be a means for his enlargement, ſo they put the powder into the Letter again: He ſaith, he ſaw ſome part of the powder in *Weſtons* hand after the death of Sir *Tho. Overbury*.

The Examination of Simon Weſton *and* Paul de la Bel *as at the firſt Arraignment, and* Giles Rawlings *Eſquire*, 15. *Octob.* 1615.

SAith, that upon the bruit of poyſoning of Sir *Tho. Overb.* being taxed of divers for that he ſtirred not in the matter, Sir *Tho.* being his kinſman, and means of his preferment, he did of himſelf prefer a Petition to the King, that the cauſe might be referred to the Judges of the Law for ordinary courſe of Juſtice, rather then to the Lords of the Councel, by them to be examined; of which he had a gracious Anſwer, and ſaith, that of 14. dayes before the death of Sir *Tho.* he could never be ſuffered to ſee him either in his chamber, or out of the window, which

which *Weſton* ſaid was the commandment of the Lords and the Lieutenant.

And here the Lord Chief Juſtice obſerved what a ſcandal they put upon his Majeſty and the State, that a Gentleman and a Free-man being onely committed upon contempt, ſhould more ſtraightly and cloſely be kept then a Traytor or Bondſlave, ſo that neither his father, brother, or friend might poſſibly ſee him: and to that point Mr. *Overbury*, father to Sir *Tho.* ſware, being preſent in Court, who ſaid that his ſon being priſoner in the Tower, and himſelf not being ſuffered to have acceſs unto him, he found at laſt that *Roch.* was the man that withſtood it.

The Lieutenants Examination, the 5. of October.

SAith, that after the death of Sir *Tho. Overb. Weſton* told him that he was neglected by the Counteſs, and demanding his reward, Mrs. *Turner* told him the Counteſs had no money; but afterwards he confeſſed he had received ſome, and ſhould receive more. That Mr. *James* told him, *Somerſet* would reward him for the pains he took with Sir *Tho.* He ſaith the Tarts were ſent from the Counteſs to Sir *Tho.* which looked ill-favouredly, and the Jellies with a little ſtanding would be furred, and thinketh they were poyſoned. Alſo *VVeſton* told him that the Apothecary had 20. l. for giving the Glyſter, and that he was poyſoned with the Glyſter.

Hence was obſerved as well by the Court as the Queens Attorney, that *VVeſton* was not ſingle in his Confeſſion; but whenſoever he had confeſſed any thing in any of his Examinations, it was likewiſe confirmed by the Examination of others, as the Lieutenant and his ſon.

The

The *Examination of* William Goare, *one of the Sheriffes of* London.

SAith, *Weſton* being in his cuſtody, he often perſwaded him to put himſelf to be tryed by his Country, *Weſton* telling him he would firſt kill himſelf, and ask God forgiveneſs afterwards: and ſaid, he hoped they would not make a Net to catch little birds, and let the great ones go.

Then Mr. *War* craving leave of the Court to ſpeak, proteſted on his conſcience he never found a buſineſs proſecuted ſo by degrees, which were the ground of Sir *Tho.* his overthrow; he urged the evidence in the examination of Sir *David* VVood, and ſhewed the reaſons of the malice againſt him to be, for that he was ſo great an impediment to affections: then he made the dependency Mrs. *Turner* had to the Lady, and *Weſton* to Mrs. *Turner*, and how they all concluded to kill Sir *Tho. Overbury*; the like whereof (he ſaid) our Fathers never ſaw before us: and he lamented much the place from whence the poyſon came ſhould be from the Court, the place (ſaid he) from whence all men expected their ſafeties and protection. Laſtly, he obſerved the finger of God even in this, that the poyſon had ſcarcely been ſuſpected at all, or enquired after, had it not been for the extraordinary ſtrange things appearing after his death; which was the firſt onely cauſe of ſuſpicion and muttering.

The evidence being given, VVeſton was demanded what he could ſay for himſelf, who although he had before confeſſed all his examinations to be true, yet he ſeemed to excuſe himſelf in a kinde of ignorance or unawares; he ſaid he received the Glaſſe, and thought it was not good, but denied the giving of it to Sir *Thomas*: being demanded why he accuſed one

Franklin

Franklin for delivering to him the said Glasse from the Countess (from whom it was sent) he confessed indeed it was to save his childe: And finally, could say nothing that had any colour of material or substantial point to excuse or argue innocency in him; so the Court referred him to the Jury, who went together, and within short space returned, being agreed upon their verdict, and there at the Bar gave in, that *Weston* was guilty of the fellonies of murthering and poysoning of Sir *Tho. Overbury*; and then the Clark of the Crown demanded of him what he could say for himself, why Judgement should not be pronounced against him according to the Law. To which he answered, he referred himself to my Lord and the Country; and then the Lord Chief Justice before he pronounced sentence of death, spake to this effect, That for the duty of the place he must say somewhat, and that to two several parties; first, to the auditory; secondly, to the prisoner; and that which he spake to the auditory, he divided into four parts, *viz.*

1 The manifestation of the glory of God, and honour of the King.

2 The preventing of other damned crimes of poysoning.

3 Answer to certain objections.

4 That there is no practice of conspiracie in prosecution of the business.

1 For the first, he observed the finger of God in the manifestation, and bringing to light of this matter, having slept two yeats, being shadowed with Greatness, which cannot overcome the cry of the people; he observed also the providence and goodness of God to put into the hearts of himself, & the rest of the Judges the day of the last Arraigning, when the prisoner stood mute, not to give judgement against him for that time, but deferred it till now; and how in the mean time

time, it pleaſed his Majeſty out of his gracious care and pity, to ſend to the priſoner, firſt the Biſhop of *London*, next the Biſhop of *Ely*, to admoniſh and perſwade him for the ſaving of his ſoul, who after each of them had ſpent two hours with him, and when all the means of man not prevailing with him, it pleaſed God (when they had left him) to move his heart ſo, that now he did put himſelf to be tryed by his Country; by which means, uſing *VVeſtons* own words, he ſaid, the greateſt Flies ſhall not eſcape, but receive their puniſhment. For concluſion of this firſt point, he laſtly obſerved, *Divinum quiddam in vulgi opinione*, for that ſo many uncertain rumours touching this caſe, at laſt proved to be true.

Secondly, he declared how for previntion of this damned crime of poyſoning, Juſtice was the golden mean; and declared his Majeſties reſolution ſtrictly to execute juſtice for that Treaſon, and he uſed this ſaying, *Nemo prudens, &c.* and deſired God that this preſident of *Overburies* might be an example, and terrour againſt this horrible crime; and therefore it might be called the great *Oyer* of Poyſoning.

Thirdly, he ſaid that at the Arraignment were certain Critiques who had given out, the priſoner ſhould deny his Examinations, and found ſo much fault for that the Examinations were read, the priſoner ſtanding mute: but for the firſt, how untrue it was, all the world ſaw, the priſoner here confeſſing them all being read and ſhewed unto him. And for the ſecond, beſides that it was exceeding diſcreet and convenient, the world ſhould receive ſome ſatisfaction in a cauſe of that nature, he cited and ſhewed what by the Laws of the Land they ought and were bound to do, notwithſtanding the greatneſs of any that might thereby be impeached, of whom he ſaid, although this was *Unicum crimen*, yet it was not *unicus crimon*.

Fourthly,

Fourthly, as touching the ſuppoſed practice or conſpiracie, he ſolemnly proteſted to God he knew none, nor of any ſemblance or colour thereof; and therefore he much inveighed againſt the baſeneſs and unworthineſs of ſuch as went about ſo untruly and wickedly to ſlander the courſe of Juſtice: and ſo he came laſt of all to that which he had to ſpeak of *Weſton* the priſoner.

Firſt, touching the wickedneſs of the fact, he very ſeriouſly exhorted him to an unfeined confeſſion and contrition for the ſame; declaring unto him how that his confeſſion would be a ſatisfaction to God and the world, if by faith and true repentance he would lay hold upon the merits of his Saviour. He perſwaded him that no vain hope, (which is a witch) ſhould keep him back from giving ſatisfaction to the world, by diſcovering the Great ones; aſſuring him that after this life, as death left him, ſo judgement ſhould finde him.

And laſtly, taking occaſion there to remember this poyſoning to have been a Popiſh trick, which he inſtanced by the example of *Gurnandus di Birlanus* mentioned 22 Ed. 1. *Squire*, that attempted to poyſon Queen *Elizabeths* Saddle; *Lopez*, and Mrs. *Turner*: and proceeded to give Judgement, which was, That the priſoner ſhould be carried from thence to the place whence he came, and from thence to Tiburn, there to be hanged by the neck till he were dead.

Juſtice being given, the Lord Chiefe Juſtice commanded that the priſoner might have convenient reſpect, and the company of ſome godly learned men to inſtruct him for his ſouls health.

The Arraignment of Anne Turner *a Widow, at the Kings Bench Bar at* Weſtminſter, *7. Novem.* 1615.

THe Indictment whereupon *Richard weſton* took his tryall, being repeated *verbatim*; ſhe was Indicted for comforting, aiding, and aſſiſting the ſaid *weſton* in the poyſoning to death of Sir *Thomas Overbury*; to which ſhe pleaded not guilty, putting her ſelf upon God and the Country: whereupon a very ſufficient Jury of two Knights, and the reſt Eſquires and Free-holders of *Middleſex* were ſworn and impannelled; for the triall whereof, Sir *Tho. Fowler* was Fore-man.

The Lord Chiefe Juſtice told her, that women muſt be covered in Church, and not when they are Arraigned, and ſo cauſed her to put off her Hat; which done, ſhe covered her hair with her handkerchiffe, being before dreſſed in her hair, and her Hat over it.

Sir *Law. Hide* the Queens Attorney, opened the matter much to the effect as he did at *Weſtons* Arraignment; ſhewing the wickedneſs and hainouſneſs of poyſoning: he ſhewed further, there was one Dr. *Forman* dwelling at *Lambeth*, who dyed very ſuddenly, & a little before his death, deſired that he might be buried very deep in the grave, or elſe (ſaid he) I ſhal fear you all. To him in his life time often reſorted the Counteſs of *Eſſex*, and Mrs *Turner*, calling him Father; their cauſe of comming was, that by the force of Magick he ſhould procure the now Earle of *Somerſet* then Viſcount *Rocheſter* to love her; and Sir *Arthur Mainwaring* to love Mrs *Turner*, by whom (as it was there related) ſhe had three Children: About this buſineſs the Counteſs wrote two Letters, the one

to

to Mrs. *Turner*, the other to Doctor *Forman* as followeth:

The Countesses Letter to Mrs. *Turner.*

SWeet *Turner*, I am out of all hope of any good in this work; for my Father, Mother, and Brother said I should lye with him; and my Brother *Howard* was here, and said he would not come from this place all this Winter; so that all comfort is gone; and which is worst of all, my Lord hath complained, he hath not lain with me, and I would not suffer him to use me: my Father and Mother are angry, but I had rather die a thousand times over; for besides the sufferings, I shall lose his love if I lye with him; I will never desire to see his face, if my Lord do that unto me: my Lord is very well as ever he was, and so you may see in what a miserable case I am; you must send the party word of all: he sent me word all should be well; but I shall not be so happy as the Lord to love me: as you have taken pains ever for me, so now do all you can; for never so unhappy as now, for I am not able to endure the miseries that are comming on me; but I cannot be happy as long as this man liveth: therefore pray for me, for I have need; but I should be better if I had your company to ease my minde: let him know this ill news; if I can get this done, you shall have as much money as you can demand, and this is fair play.

Your Sister.

Fran. Essex.

Burn this Letter.

A Letter from the Countess to Doctor Forman.

SWeet Father, I must still crave your love, although I hope I have it, & shall deserve it better hereafter;

Remember the Galls, for I fear, though I have yet no cause but to be confident in you, yet I desire to have it as it is remaining yet well, so continue it still, if it be possible; and if you can, you must send me some good fortune, alas I have need of it; keep the Lord still to me, for that I desire; Be careful that you name me not to any body, for we have so many spies, that you must use all your wits, and all little enough, for the world is against me, and the Heavens favour me not, onely happy in your love: I hope you will do me good, and if I be ungrateful, let all mischief come upon me: My Lord is lusty and merry, and drinketh with his men, and all the content he gives me is to abuse me, and use me as dogedly as before. I think I shall never be happy in this world, because he hinders my good, and will ever: So remember (I beg for Gods sake) and get me from this vile place.

Your affectionate loving

Daughter,

FRAN. ESSEX.

Give *Turner* warning of all, but not the Lord, I would not have any thing come out for fear of my

Lord Treasurer, for so they may tell my Father and Mother, and fill their ears full of toyes.

There was also shewed in Court certain pictures of a man and woman in copulation made in Lead, as also a mould of Brass, wherein they were cast: A black Scarf also full of white crosses, which Mrs. *Turner* had in her custody. At the shewing of these and inchanted papers and other pictures in Court, there was heard a great crack from the Scaffolds, which caused a great fear, tumult, and confusion amongst the spectators, and throughout the Hall, every one fearing hurt, as though the Devil had been present, and growing angry to have his workmanship shown by such as were not his own schollers; and this terrour continuing about a quarter of an hour, silence proclaimed, the rest of the cunning tricks were likewise shewed. Doctor *Formans* wife being Administrix of her husband, found Letters in packets, by which much was discovered; she was in Court, and deposed, that Mrs. *Turner* came to her house immediately after the death of her husband, and did demand certain pictures which were in her husbands study, namely one picture in wax, very sumptuously appareled in silk and sattins, as also one other picture sitting in form of a naked woman, spreading and laying forth her hair in a Looking-glass, which Mrs. *Turner* did confidently affirm to be in a box, and that she knew in what part of the study they were.

Mrs. *Forman* further deposeth, that Mrs. *Turner* and her husband would be sometimes three or four hours locked up in his study together: She did depose further, her husband had a Ring would open like a Watch.

There

There was alſo ſhewed a Note in Court made by Doctor *Forman*, and written in parchment, ſignifying what Ladies loved what Lords in the Court, but the Lord Chief Juſtice would not ſuffer it to be read in open Court.

Mrs. *Turner* ſent *Margaret* her Maid to Mrs. *Forman*, and wiſhed that all ſuch Letters and papers as did concern the Earle of *Somerſet* and the Counteſs of *Eſſex* ſhould be burned, or any other great perſonages, telling her that the Councels Warrant ſhould come to ſearch the ſtudy; and that all his goods might be ſeiſed; whereupon ſhe and her Maid *Margaret*, with the conſent of Mrs. *Forman*, burnt divers Letters and papers, but that ſhe kept ſome without their privitie.

There were alſo inchantments ſhewed in Court written in parchment, wherein were contained all the names of the bleſſed Trinity mentioned in the Scriptures; And in another Parchment Croſs *B*. Croſs *C*. Croſs *D*. Croſs *E*. in a third likewiſe in parchment were written all the names of the holy Trinity, as alſo a figure in which was written this word *Chriſtus*, and upon the parchment was faſtned a little piece of the skin of a man.

In ſome of theſe parchments the Devils had particular names, who were conjured to torment the Lord *Somerſet* and Sir *Arthur Manwaring*, if their loves ſhould not continue, the one to the Counteſs, the other to Mrs. *Turner*; Mrs. *Turner* alſo confeſſed, that Doctor *Savorius* was uſed in ſucceſſion after *Forman*, and practiſed many ſorceries upon the Earle of *Eſſex* his perſon.

Mrs. *Turner* being almoſt cloſe priſoner in one of the Sheriffs houſes in *London*, before ſhe was brought to the Barr, knew not that *Weſton* was executed; but by the proceedings having underſtanding thereof, and

hearing divers examinations read, it so much dejected her, that in a manner she spake nothing for her self, also examinations and witnesses *Viva voce* that were produced at *Westons* arraignment, and divers others were read again, as the Examinations of *Edward Paine*, *Jo. VVright*, *Robert Freeman*, *Symcock*, *Rawlings*, *Payton*, *VVilliams*: one of these Examinations gave in evidence, that one *Franklyn* being an Apothecary and Drugster, was the provider of all the poysons given to Sir *Tho. Overbury*.

A Chyrurgeon there deposed, that he cured *Franklyn* of the Pox, and that at several times he demanded of his Chyrurgion what was the strongest poyson. The Chyrurgeon demanded what he would do with it, *Franklyn* replyes, Nothing but for his experience, and to try conclusions.

Another Examination of one *Mervser* who had conference with the said *Franklyn*, calling him Cousen, who demanded of the examinant, What news? he answered, Ill newes; I am sorry that my old Lord and Masters son is found insufficient, and not able to content the Lady. *Franklyn* replyes, I have a hand in that business, I have a great friend of my Lady *Essex*, she allows me 2. s. 6. d. a day for my Boat-hire, and 10. s. a week for my dyet, I could have any money if I would. *Merser* replyes, but Cousin, how can God bless you in this business? *Franklyn* answered, Let them talk of God that have to do with him: my Lord of *Somerset* and the Countess will bear me out in any thing I do; if you have any suit wherein you may do your self any good, and I may gain by it, I will warrant you I will get it.

Francis deposeth, that *Franklyn* married his sister, and that he thinketh in his conscience she was poysoned; upon some discontentment he heard him say,

He

he would not be hanged for never a whore or quean of them all. The Lord Chief Justice made a speech upon divers examinations there read, that the Earl of *Somerset* gave directions, that of the powder he sent to Sir *Thomas Overbury* that which should be left should be brought back again, his pretext was that it should make him sick, which should be the ground to make the King grant his liberty, saying further, it would do him good: and he had Tarts and Jellies sent him likewise by the Countess, with express commandment that none must eate of them but Sir *Tho. Overb.* saying, they would do him no harm.

At another time the Countess sent Tarts, Jellies, and VVine, with directions that those which had been formerly sent, should be brought back again, and those last brought should be given him at supper, and then all should be well; but directions given that neithe Lieutenant nor his wife might eate of them, but they might drink of the wine, for in the Tarts and Jellies there might be letters, but in the wine none; and afterwards it was openly related and proved by divers examinations, that those words *Letters* were private tokens between the Countess and the Lieutenant, and *weston* to give notice what things were poysoned, and what not.

In the Examination that was of *VVeston*, it was related, that Mr. *James* told him that the Earl his Master would pay him for his pains taken with Sir *Tho. Overb.* Then the Lord Chief Justice gave in charge to the Jury concerning the evidence they had formerly told them, and heard that *VVeston* at his Examination confessed all he had said formerly was true.

He further related what a great vexation and grief it was to the King, that *Somerset* onely by making use of his favours and love, so foul a fact was done, as

first

first to be the occasion to put Sir *Tho. Overb.* to imployments for the Embassage of *Russia*. 2. To make him refuse them, and to give right cause for his commitment. 3. To bear him in hand that he would work his liberty, but still aggravated and laboured the contrary, and gave directions to the Lieutenant to look surely to him, and to keep him close prisoner, and that he should send to none of his friends, or they to him, urging great matters against him.

Sir *Tho. Monson* was often employed to give directions to the Lieutenant therein, a most barbarous course to be so dealt withall onely for a contempt; concluding that Sir *Tho. Overb.* was a close prisoner to all his friends, but open to all his enemies; such as *Somerset* would have, or send to him.

The Lord Chief Justice told Mrs. *Turner* she had the seven deadly sins, *viz.* a Whore, a Bawd, a Sorcerer, a Murtherer, a Witch, a Papist, a Felone, the daughter of the Devil: *Forman* wishing her to repent, and to become the servant of Jesus Christ, and to pray him to cast out those seven Devils. She desires the Lord Chief to be good to her, saying, she was ever brought up with the Countess of *Somerset*, and had been of a long time her servant, and knew not there was poyson in any of those things sent to Sir *Tho. Overb.* then the Jury went forth, and not long after returned, finding her guilty, who being asked what she could say for her self why judgement should not be pronounced against her, she onely desired favour, but could not speak any thing for weeping.

Then Judge *Crook* made another grave Speech, exhorting her to repentance, and to prepare her self ready for death, and that the little time which should be assigned her to live, she should not spend it either

in

in labour or imagination to get her life, for that hope was but a VVitch: upon concluſion of which Speech he gave Judgement, and told her ſhe had a very honorable Tryall by ſuch men as he had not ſeen in his time for one of her rank and quality, and ſo was delivered to the Sheriff.

Upon the wedneſday following ſhe was brought from the Sheriffs in a Coach to *Newgate*, and was there put into a Cart, and caſting money often amongſt the people as ſhe went, ſhe was carried to Ty*born*, where ſhe was executed, and whither many men and women of faſhion came in Coaches to ſee her dye, to whom ſhe made a ſpeech, deſiring them not to rejoyce at her fall, but to take example by her: ſhe exhorted them to ſerve God, and abandon ill company, and all other ſins, relating her breeding with the Counteſs of *Somerſet*, having had no other means to maintain her ſelf and her children, but what came from the Counteſs; And ſaid further, that when her hand was once in this buſineſs, ſhe knew the revealing of it would be her overthrow; by which, with other like ſpeeches, and great penitence there ſhewed, ſhe moved the Spectators to great pitty and grief for her.

The proceedings againſt Sir *Jervas Elvis*, Knight, Lieutenant of the Tower, at his Arraignment at *Guild-Hall*, the 16. of *Novemb.* 1615.

THe form of the Indictment was, the malicious aiding, comforting, and abetting of *VVeſton* in the poyſoning and murthering of Sir *Tho. Overb.* whereupon it was laid againſt him as followeth.

Firſt, when *VVeſton* received the Viall of poyſon of two inches long, to give Sir *Tho.* he having the Glaſs in the one hand, and the broth for Sir *Tho.* in the other, meeting the Lieutenant, asking him this, *Sir ſhall I give it him now?* The Lieutenant reproved him, yet that night he gave it him in his broth, *Ergo*, the Lieutenant knew of the practiſe and poyſoning of Sir *Tho. Overb. Et qui non propulſat injuriam cum poſſit eam infert*, Cicero.

After this was known to be poyſon, yet he kept *weſton* ſtill, he favoured, countenanced, and graced him, and one time ſent him a cup of Sack, and bad his man tell him he loved him as well as ever he did; all this while he paid him no wages, and as ſoon as Sir *Thomas Overbury* dyed, *VVeſton* was removed.

The Counteſs writ a Letter to the Lieutenant, with the Letter ſhe ſent poyſoned Tarts to *Overbury*, and Wine to the Lieutenants wife, and bad him give the Tarts to *Overbury*, for there were Letters in them; but his wife and children might drink the Wine, for ſhe was ſure there were no Letters in it.

The

The Earle of *Northampton* writ a Letter to the Lieutenant concerning the imprisonment of *Overbury*; the said Earle writ three Letters to *Rochester* containing these words:

SWeet Lord, think not I finde pain in that which gives me sweetest pleasure, which is any thing which falls from your Pen. Three things concur to my exceeding joy in your worthy Letters; proof of your love, comfort of your words, and judgement in your writing: you may believe the words of him that will rather dye then flatter you, my heart is full of the love of you; your Characters are no pain for me to peruse, being as well acquainted with your hand, as mine own: the pain is no more then the cracking of a Nut for the sweet kernel, or my Neeces pain in the silver-dropping streams of your Pen. (There the Lord Chief Justice left off reading for the baudiness of it; then after in the Letter followed:) I spent two hours yesterday in prompting the Lieutenant with cautions and considerations; observing with whom he is to deal, that he might the better act his part for the adventure in which he dealeth.

Henry Northampton.

Another Letter to Rochester.

SWeet Lord, I cannot deliver unto you with what caution and consideration, *&c.* and the Lieutenant looking to his business, which concerns me more then Text affords, that marching in his affairs, I shall hold him discreet, and love him better whilst I live for this his conclusion, for this *Negro* can

can no more change his skin, then the *Leopard* his ſpots.

Hen. Northampton.

Another Letter to Rocheſter.

SWeet Lord, *Overbury* being viewed, there was found in his arm an Iſſue, and on his belly twelve kernels like to break to iſſue, each as broad as three pence, as big as a ſmall button; an Iſſue in his back with a tawny plaiſter on it, this was ſtrange and ugly, he ſtank intolerably, inſomuch that he was caſt into a Coffin with a looſe ſheet over him: God is gracious in cutting off ſuch ill inſtruments from the factious crew; if he had come forth, they would have made uſe of him. Thus ſweet Lord wiſhing you all increaſe of happineſs and honour, I end

Your Lordſhips

more then any mans,

Hen. Northampton.

The Lieutenant writ a Letter to *Northampton*, certifying him, that he undertook Sir *Tho. Overbury* according to his Inſtructions; that as ſoon as he came to the place, Sir *Thomas* proteſted his innocency upon the Bible, and then (quoth he) he asked me what they meant to do with him? I anſwered, they mean to refine you, that your pureneſs may appear the better: after I walked with him in his Chamber, and adviſed him to give way to the match between *Rocheſter* and the Counteſs, but then he grew hot againſt your Lordſhip, and the Counteſs of *Suffolk*, ſaying if he

he were the Counteſs of *Suffolks* priſoner (as he thought he was) then (ſaid he) let her know that I care as little to dye, as ſhe to be cruel. The Counteſs I finde to be joyned with you in this plot, though the Chamberlain knows not of it, nor any one elſe: but *Rocheſters* part I ſhall moſt fear untill I ſee the event to be clearly conveyed: and ſo he concluded his Letter.

The Anſwer of Sir Jervas Elvis *to the points propoſed.*

MY Lord, before I anſwer the matter of charge againſt me, let me remember your Lordſhip of one ſpeech I learned from your mouth, I have heard you ſpeak it at the Councel Table, and at the Aſſizes in the Country; that when a priſoner ſtands at the Bar for his life comfortleſs, allowed no counſel, but ſtrong counſel againſt him, perchance affrighted with the fear of death, his wife and his children to be caſt out of doors, and made to ſeek their bread, you have alwayes pitied the cauſe of ſuch an one, you have proteſted you had rather hang in hell for mercy to ſuch an one, then for judgement.

My Lord, you have not obſerved your own rule in my cauſe, you have paraphraſed upon every examination, you have aggravated every evidence, and applied it to me; ſo that I ſtand clearly condemned, before I be found guilty: if I were ſo vile a man as your Lordſhip conceives me, I were unworthy of any favour, but I hope your Lordſhip ſhall not finde it.

So I will deny nothing that hath evidence of truth againſt me; I will not tell a lie to ſave my life: and beſeech your Lordſhip ſo to conceive of me, move your charity towards me.

Then

Then desired he the Court, that the heads of the Accusations might be collected by the Councel of the King, which were the same which were mentioned before, to which he severally answereth:

To the first, *Shall I give it him now?* he answered, That when *Weston* asked him the question, he saw no poyson in his hand and therefore (said he) in *Westons* and my Examinations the question was, *Shall I give it him now?* not, *Shall I give him this now?* for there is a great difference between *hoc*, and *id*, in matters of prevention.

But further, when *Weston* had told me that it was poyson which he meant to give, I reproved him, and beat him down with Gods judgements: nay I humbled him so, that he thanked God and me on his knees, and told me that he and his had cause to blesse God for me, for that I with-held him from doing that act; and if you call this comforting and abetting, to terrifie a man for his sins, and to make him confess his faults to God, and to abhor and detest the act, then was I an abettor, and comforter of *Weston*.

To the second, after I had thus terrified him with Gods Judgements, and saw him cast down for his offence, I could do him no better office then to raise him up, who was thus cast down, and therefore favoured him; I shewed him kindness, I drank to him, to the intent *I* might encourage the intentions of his minde, which *I* found then in abhorring the fact; and for that *I* gave him no wages, it is true; *I* took him from the commendations of my Lord of *Northampton*, and Sir *Tho. Monson*, whom *I* took to be my friends, and thought they would commend no man to be a Keeper, which might endamage me.

To the third, *I* never knew any other meaning of the Countesses words in her Letters, but the bare literal meaning; and sure (quoth he) after *I* had received

ceived the Tarts, and they ſtood a while in my Kitchin, ſaw them ſo black and foul, and of ſuch ſtrange colours, that *I* did cauſe my Cook to throw them away and to make other Tarts for him.

To the fourth he ſaith, the Earle of *Northamptons* Letters to him, was not any thing touching the poyſoning of Sir *Thomas Overbury*, but for a cloſe reſtraint, to the end that *Overbury* might agree to their purpoſes concerning the marriage to be had between *Rocheſter* and the Counteſs: if the Earle of *Northampton* had any plot to take away his life, *I* was not of his counſel, nor had knowledge therein.

To the fifth, it is ſaid, *I* received him according to my inſtructions; *I* meant no other thing then *I* had delivered before, which was concerning the cloſeneſs of his impriſonment; but being asked what he meant by theſe words, *Rocheſters part I ſhall greatly fear, untill I ſee the event to be clearly carried*: In this he ſtaggered and wavered much, and gave his anſwer, It was long ſince *I* writ this Letter, and for the particular circumſtance that induced me to this ſpeech, *I* cannot now call to memory: but ſure *I* am, (knowing my ſelf to be innocent) *I* ſatisfie my remembrance, ſo that *I* meant nothing concerning the taking away of his life: but becauſe *I* was a ſtranger to *Rocheſter*, and had heard, and known of that great league that was between them, *I* might well think, ſuſpect, and fear whether he would alwayes continue thoſe projects for his reſtraint. Theſe were the anſwers he made to his accuſations: and after he had made many proteſtations betwixt God and his ſoul of innocency, in the malicious plotting and abetting of *Overburies* death, he appealed himſelf to the Jury, and ſaid,

I will prove unto you by many infallible and unanſwerable reaſons, that *I* could not be aider and com-

plotter

plotter with *weston* in this poysoning: first, *I* made a free and voluntary discovery of it my self, *I* was not compelled; will any man imagine *I* would discover a thing wherein *I* am not able to clear my self? Nature is more kinde then to be its own accuser.

Besides, that my clearness might more appear and remain in the world without any suspition, *I* proceeded and accused the murtherer *weston*. It had been a senseless thing in me (if *I* had not thought my self clear) to have accused him, who might have done as much for me. Nay *weston* himself proved me to be an honest man before the Chancellour of the Exchequer, for he confessed to him and others being present, that he thought the *L*ieutenant knew not of the poyson; and in his Examination before the *L*ord Chief Justice, and *S*erjeant *Crew*, being asked the meaning of those words (*Shall I give it him now?*) he answered, That he thought that those which had set him on work, had acquainted the *L*ieutenant with their plot.

And also *I* was so confident in mine own innocency, that *I* told my *L*ord Chief Justice, and my *L*ord *Zouch*, that the way to make *weston* confess, and to discover all, was by fair and gentle intreaty of him; and so by this means they might search to the very bottome of his heart: in this the *L*ord Chief Justice witnessed with him.

And after Sir *Thomas* was dead, *weston* and Mrs. *Turner* were sent to me to know whether *I* had any inkling of the death of Sir *Thomas*: what need they have made this question, if *I* had known any thing thereof?

Also that which *I* do know concerning the poysoning of Sir *Thomas*, was after his death by the relation of *weston*; and *I* am here indicted as accessary before

fore the fact, when *I* knew nothing till after the fact.

After that he had confirmed these reasons by sundry proofs and witnesses, he went further in his own defence. If *I* be in the plot, my Lord Treasurer is, *I* have his Letter to shew in it, he called me to his lodging, and said, The plots you know them as well as I. The plots were onely to repair her honor: my wife hath the Letters from the Lord Treasurer, and *Munson*: for these plots *I* will run willingly to my death, if circumstances be knit with any manner of fact.

He proceeded further, and told the Lord Chief Justice, that he spake not this to justifie himself, so that no blemish or stain might cleave unto him, for (said he) this visitation is sent me from God, and whether *I* live or dye, it is the happiest affliction to my soul that *I* ever received: *I* have laid open my whole heart from bloodguiltiness, *I* have not repented me other then for errors of my judgement in not detecting what *I* suspected, and yet *I* ask God forgiveness for less sins, but of this *I* know no other then the gross error of my judgement in not preventing it, when *I* saw such intendment and imagination against him.

Then he put my Lord Chief Justice this question: If one that knoweth not of any plot to poyson a man, but onely suspecteth, is no actor or contriver himself, onely imagineth such a thing, whether such a one be accessary to the Murther? for the words of the Indictment are *abetting and comforting with malice*. Now if there be any man that charges me expressly or in direct tearms that *I* was an abetter; or if the Court shall think fit in this case that *I* have put, that such a concealing without malice is an abetting, *I* refuse not to dye; *I* am guilty: this was the summe of his speech.

Then

Then the Lord Chief Justice replyed, That to his knowledge he spake no more concerning the evidence then he could in conscience justifie, which was onely to explain the evidence, and not wresting any thing in prejudice of his life.

But further, he told him, that two dayes before Sir *Thomas* dyed, you wished his man to bring in his best Sute of hangings to hang his Chamber, which you knew were your Fees: after he told him that his accusation of the Lord Treasurer was very malicious; for in all the Examinations he had taken, in all the exact search he could make for the finding out of the truth; he saw not that honourable Gentleman any way touched. In conclusion, he told him, It is not your deep protestations, and your appealing to God and his Throne, that can sway a Jury from their evidence, which is not answered unto.

But to leave you without excuse, and to make the matter as clear as may be; here is the Confession of *Franklin*, which he then drew out of his bosome, saying, This poor man not knowing Sr *Jervis* should come to his Triall, this morning he came unto me at five of the clock, and told me that he was much troubled in his conscience, and could not rest all night, untill he made his Confession, and it is such an one (these were his words) as the eye of *England* never saw, nor the ear of Christendome ever heard.

The Confeſſion of James Franklin, *16. Novem.* 1615.

MIſtreſs *Turner* came to me from the Counteſs, and wiſhed me from her to get the ſtrongeſt poyſon I could for Sr *Th. Overbury*; accordingly I brought ſeven ſorts; *Aqua-fortis*, *White-Arſnick*, *Mercury*, *Great-ſpiders*, *Powder* of *Diamonds*, *Lapis Coſtitus*, *Cantarides*; all theſe were given to Sir *Tho.* at ſeveral times: and further confeſſeth, that the Lieutenant knew of theſe poyſons; for that appeared (ſaid he) by many Letters which he writ to the Counteſs of *Eſſex*, which *I* ſaw, and thereby knew that he knew of that matter; one of them I read for the Counteſs, becauſe ſhe could not read it her ſelf, in which the Lieutenant uſed this ſpeech: *Madam*, This Scab is like the Fox, the more he is curſed, the better he fareth: and other ſpeeches.

Sir *Tho.* never eat white Salt, but there was *white-Arſnick* put into it; once he deſired Pigge, and Mrs. *Turner* put into it *Lapis Coſtitus*; the white powder that was ſent Sir *Thomas* in a Letter, he knew to be *White-Arſnick*, a very deadly poyſon.

At another time he had two Partridges ſent him from the Court; and water and onyons being the ſawce, Mrs. *Turner* inſtead of Pepper put in *Cantarides*, ſo that there was ſcarce any thing that he did eat but there was ſome poyſon in it; for theſe poyſons the Counteſs ſent me rewards, ſhe ſent me gold many times by Mrs. *Turner*.

She afterward writ unto me to buy her more poyſons: *I* went to her, and told her, *I* was weary of it: I beſought her upon my knees, that ſhe would uſe

me no more in theſe matters; but ſhe importuned me, bid me go, and inticed me with fair ſpeeches and rewards; ſo ſhe overcame me, and did bewitch me.

The cauſe of this poyſoning was, as the Counteſs told me, becauſe Sir *Thomas* would pry ſo far into the ſtate, as he would put them down: he did alſo ſay, that the toothleſs Maid truſty *Margaret* was acquainted with the poyſon: ſo was Mrs. *Turners* man *Stephen*, ſo alſo Mrs. *Horn*, the Counteſſes own hand.

He ſaith, on the marriage of the Counteſs with *Somerſet*; ſhe ſent him twenty pound by Mrs. *Turner*, and he was to have been paid by the Counteſſe two hundred pound *per. an.* during his life.

That he was urged and haunted two hundred ſeverall times at the leaſt by the Counteſſe to do it againſt his conſcience: he ſaith, ſhe was able to bewitch any man: and then he wrought the love between *Rocheſter* and her, and that he had twelve ſeverall Letters from her to proſecute it, and was to have two hundred pound, to continue their love till the Marriage.

Theſe are all the materials in *Franklins* Confeſſion; to this Sir *Fervis* knew not what to anſwer, or to make of his own Letters.

Then preſently the Jury departed from the Bar, and preſently after returned, and found him guilty, and the Lord Chief Juſtice gave judgement, and he was executed accordingly in manner following.

Sir

Sir Jervas his Confeſſion.

ON Munday the 20. of *Novem.* 1615. he was executed upon Tower hill, upon a Gibbet there ſet up of purpoſe about ſix of the clock in the morning (he being arraigned in a black Suit and Jerkin with hanging ſleeves, having on his head a crimſon ſatten Cap, from the top downwards, and round about laced, under that a white linnen Cap, with a border, and over that a black Hat with a broad Ribbond, and a ruffe Band thick couched with a lace, and a pair of skie-coloured ſilk ſtockings, and a pair of three ſoaled ſhooes.)

He came on foot from Sheriffe *Goars* houſe to the Gibbet, between Dr. *whiting*, and Dr. *Felton*, two of his Majeſties Chaplains, and comming to the Ladders foot, he talked a word or two to the Executioner; then he went up the Ladder four or five ſteps, the Executioner ſitting over his head upon the top the of the Gibbet; Sir *Jervis* finding the Ladder to ſtand too upright, for his eaſe, ſpake to have it amended; which forthwith he comming down was done, being faſtned in the ground, and then he went up again ſix ſteps, where after a while ſitting, uttered to this, or the like effect.

NOble, Right worſhipful, and others: I am here come as well to ſhew, explain, and unfold that which paſſed at the time of my Arraignment, to ſo many of you as were preſent; as alſo to ſhew that there *I* perceived *I* had loſt the good opinion of many in ſtanding ſo long upon mine innocencie, which was my fault *I* confeſs, ho-

ping now to recover the ſame, and your good charitable opinions of me; which fault *I* then ſaw not, being blinded with my own error, which made me account it no ſin.

But ſince my condemnation, by the means and help of theſe two Gentlemen here preſent (the Doctors) *I* was perſwaded of the greatneſs of my ſin, and that it was ſo much the greater, by how much the more *I* did conceal it: which by Gods mercy *I* perceiving, conſulted not with fleſh and blood, but thought it in this my condemnation the beſt way for my ſouls health to reveal to the Omnipotent and All-ſeeing God, the moſt ſecret and inward intentions and thoughts of my deceitfull heart; not once reſpecting the praiſes or diſpraiſes of the world, which *I* regard not at all.

It may be ſome will ſay, That this place was moſt unfit for my execution, appointed to terrrifie and daunt me ſo much the more; but (alas!) *I* fear not death, place, nor any ſuch like thing; for *I* account it the King and Councels ſpeciall favour, that *I* dye here, for that J requeſting the ſame it was granted, whereby J ſee now this Tower, late wherein J ſhould have been called to Stare buſineſs, and ſtill might, if J had performed a more loyal ſervice to my King and Country then J did.

Next, in that J was not appointed to *Tyburn*, a place of more publique reproach then now J am brought to, being worthy to die by due and lawfull Juſtice, in proſecuting this bloody enormous act againſt a kind Gentleman, who deſerved no ill at my hands, nor any mans elſe, for ought J know.

But were it J had not truſted him who was a moſt perfidious wretch, J had not fallen into this ſhame, which may warn all here preſent to take heed whom they truſt

truſt in a bad matter; and to admoniſh you that are truſted never to break honeſt and juſt fidelity.

I was by divers tricks drawn to this action, which I received from the Earle of *Northampton*, and Sir *Thomas Monſon*, and none other; but had I remembred the 115. verſe of the 119. Pſalm, and ſaid with the holy Prophet, *Away from me ye wicked, for I will keep the commandements of my God*: then had I refuſed ſuch like tricks, alas! now too late, there was my fault that I did not refuſe them, and caſt my ſelf upon Gods providence without any dependence on man, though never ſo honourable: Was ever any deceived that did truſt in God? there was never any: Therefore I admoniſh you all, let none how honourable ſoever they be, or the King himſelf, move you to any thing not agreeable to Gods word; do it not, reject it; for that was my fault, that I had not at the firſt opened this plot to his Majeſty, who no doubt would moſt juſtly and throughly have puniſhed the ſame.

You Noble, Worſhipful, and others; let my example teach you thus much, That you prophane not the holy Sabbaths of the Lord, nor his good creatures, nor that you turn (by a laſcivious courſe) dayes into nights, and nights into dayes, as I have done; and that in ſerving God, you muſt not only read the Scriptures, but joyn practice therewith; for what good will the ſame effect, if the heart be foul, bloody, and impure? ſome here knew my forwardneſs therein, but I pretend not innocencie that way, but caſt it off, and confeſs that of this great Aſſembly *I* am the moſt wretched ſinner.

You expect ſpeeches from me of ſome concealed matters, and upon ſome of my ſpeeches uſed at the cloſing up of my Arraignment; but I ſtand here *loco peccatoris*,

toris, non oratoris: yet J will shew you that J have opened to my Lord Chrief Justice since my Arraignment, that with the utmost of my power J was able to verifie, upon which J took the body and blood of Jesus Christ, and in further testimony, J will now seal it with my last and deareſt breath.

Nobles, and others, to see your faces it rejoyceth me, whereby you manifest your loves in granting my request to be eye-witnesses of my death: J see a number of my friends here, (pointing as he spake) who out of their loves J intreated to beseech God to strengthen me in death, though ignominious to some, yet to me a bitter cup mingled with Gods mercies, a special favor this way to call me home; whereas he might have taken away my life by shooting the Bridge, or some fall, or otherwise; and then this unrepented sin, which J accounted no sin (such was my blindness) had been damnation to me; for God is just, and the unrepented sinner shall have no salvation.

There is none of you here present that knoweth how or in what sort he shall dye, it may be in his bed, it may be otherwise (God knows) J protest before you all, J never came over this hill in the chiefest of all my prosperity with more joy then now J have at this present; for now J know J shall behold the glorious face and sight of my Creator.

Take heed, let my ensample incite you to serve God truly and uprightly, lest a shameful death overtake you, as it hath me, who am unworthy of my Parents care in bringing me up.

It may be some will say, J have a flinty heart, because J shed no tears; my heart is flesh as others be, and J am as faint-hearted to look death in the face as any other; because my use hath not been to shed tears, J cannot

not now eaſily, except it be for the loſſe of ſome dear freind; albeit now my heart beginneth to melt within me being wounded (with that the tears ſtood in his eyes) to ſee the faces of ſome here preſent, whom J moſt earneſtly love, and now muſt depart from with ſhame, though worldly regard J reſpect not, for well Mr. Sheriffe knows, that (to ſhame this my ſinful fleſh the more) J wiſht if it had him pleaſed, to have been brought thorow the City, to have warned all the ſpectators how they ſhould not eſcape without Judgement for blood, for God is juſt.

J had almoſt forgotten to ſhew you a moſt ſtrange thing which God brought to my memory the laſt night, which is this: J confeſs J have been a great Gameſter, and have played and waſted many great ſummes of money which exhauſted a great part of my means, which J perceiving, vowed ſeriouſly, and not ſleightly or unadviſedly, to the Lord in my vow and prayers, *Lord, let me be hanged if ever J play any more!* which not long after is juſtly come upon me, whereof ye are all eye-witneſſes, for a thouſand times ſince J have broke this my vow.

Then he eſpied one Sir *Maxamilian Dalyſon* ſtanding near to the Gibbet on horſe-back, and ſaid to him, You know Sir *Maxamilian* what gaming we have had, and how we have turned dayes into nights, and nights into dayes: J pray you in time to leave it off, and diſhonor God no more in breaking his Sabbath, for he hath alwayes enough to puniſh, as you now ſee me, who little thought thus to dye.

To which Sir *Maxamilian* anſwered him, Sir *Jervas*, J am much grieved for you, and ſhall never forget what you have ſaid; whereunto he ſaid, Look to it, do then.

Further he continued his Speech, Let no man boast of the abilities and gifts of Nature which God giveth him, for therein I displeased God, being over-much transported with the pride of my Pen, which obsequious Quill of mine procured my just overthrow. Upon the knitting up of my Lord Chief Justices Speech at my Arraignment, by reason of two or three passages at the bottom of my Letter, subscribed with my own hand, which I utterly had forgotten, because I felt not my sin, (which *I* heard;) *I* saw no other but the finger of God would thus point to this Fact: By this means, *I* do protest before God, and confess before you all, that *I* was so overtaken with this bloody Fact, that for satisfaction of the same, *I* willingly yeelded my dearest blood, to the shame of this my wretched Carkass, not being so much grieved for the same, as for others; that *I* wish *I* had hang'd in Chaines perpetually, so that *I* had at first revealed this hainous plot.

Then should *I* have saved the lives of some already dead, some in the Tower, and some in the City, some over Seas; so should *I* have prevented many from being Widdows, some from being fatherless, and some from being childless, among whom my own wife for one, and eight Fatherless children of mine, which *I* now leave behind me; and God knows how many are guilty of this Fact, and when it will bee ended.

The Lord Chief Justice upon closing up of my speeches at my Arraignment, said, *I* was an *Anabaptist*: *I* would I were as clear from all other sins, as from that, for *I* alwayes detested that condition.

As for my wife, some said she is a *Papist*; True it is, she came so short of a sincere *Protestant*, *I* mean in

in that reſpect, that when ſhe is amongſt *Papiſts*, ſhe cannot well forbear them.

Then he ſpake to the Sheriff, ſaying, *If* it may be permitted without offence, *I* have ſomewhat to ſay, and that is this; *Is* it lawful for any one here to demand of me any queſtions? to which the Sheriff anſwered, *It* is not lawfull, wherefore, good Sir *Jervas*, quoth he, forbear. Sir *Jervas* ſaid thereunto, (doubling his words) it is enough, it is enough; *I* have, quoth he, one that holdeth my cloak, may *I* beſtow ſomewhat on him? The Sheriff anſwered, That you may Sir; whereupon, he called the young man unto him by his name, who ſtood waiting at the Ladders foot, and gave him out of his pocket ſome pieces of gold or ſilver, and ſaid, Here, take this, ſpend it; which he with bitter tears thankfully accepted.

Doctor *Felton* and Doctor *whiting* ſtrained courteſie which of them ſhould begin a publike Prayer for this parties condition; one of them willed the other, but at laſt Doctor *VVhiting* ſaid, *If* you Sir *Jervas* can perform it your ſelf, you of all men are fitteſt to do it, with efficacy both of ſoul and ſpirit; whereupon he ſaid, *I* ſhall do my beſt then; but my hearers, *I* crave your charitable conſtructions, if with half words, and imperfect ſpeeches, *I* chatter like a Crane.

His Prayer.

O Eternall, Omnipotent, and Omniscient God, the Creator of Heaven and Earth, and of me a most miserable and horrible wretch, by reason of my unmeasurable sinnes and transgressions, whereof I am wholly guilty; take pitty of me, that have so many ponderous sinnes, that without thy speciall favour and mercy, they will be ready to press me into perpetuall destruction; thy full and free pardon in Jesus Christ I humbly crave, with this assurance, that immediately my soule shall be translated hence, into those inestimable joyes which the heart of man is unable to conceive, the tongue to utter, the eare to hear: Then Lord hear the petition of me a most miserable wretch, according to thy promise made unto the repentant sinner; my sinnes yet unknown, and unrepented of, which are my secret sinnes, Lord call not to accompt: disburthen me, O Lord, of my unknown sins, I desire to give a true sigh for them all, my sins of youth, and riper years,

years, O Lord, pardon; thou, O Lord, knoweſt how many they are; let the miſty clouds of all my ſinnes whatſoever be ſcattered by the bright beams of thy merits: Be merciful to me in Chriſt Jeſus, that theſe weak poor prayers may be available in thy ſight; this comfort yet I have, that I am thine; for, were I not thine, then out of the roots of me could not the buds of repentance appear, by which I know thou loveſt me; it is not I, but thou, O Lord, haſt drawn me to thee, for thine own mercies ſake, In which thy mercies and thy promiſes made to the true repentant ſinner, once again I rely: for if thou killeſt me by this or any other ignominious death, yet will I truſt in thee. I crave thy aſſiſtance; Protect my ſoul from that great Adverſary of mine, I mean Satan, who with pale death and the infirmities of fleſh, do band their balls together, then eſpecially at the laſt gaſp; in which great conflict, Lord ſtrengthen me, that they may not overcome, but be overcome.

Amen.

This Prayer being ended, he asked if he might not pray privately: The Doctors answered, Yea; then made he a short Prayer to himself with his face covered; and after he uncovered it, and said, Now I have prayed, now must J pay, J mean do the last office to Justice: with that Doctor *Whiting* said, Sir *Jervas*, you may stand one step lower upon the Ladder; to whom the Sheriff answered, Jt is better for him Mr. Doctor to be where he is; Stay, quoth the Doctor to the Executioner, for he hath given a watch-word, he is in private prayer again; Yea, quoth he, for he hath given me a watch-word when J shall perform my office to him.

He uncovered his face after his second short prayer: And first took his leave of all the assembly, saying with a cheerfull voyce and countenance, J pray you pray for me, who shall never more behold your faces; then he said with great fervency of spirit, Lord I desire at thy hands this bitter Cup of death, as the Patient receives a bitter Potion, not once demanding what is in the Cup, but takes and drinks it off, be it never so bitter.

As soon as he had then said audibly, *Lord Jesus receive my soule*, which belike was the Executioners watch-word, he turn'd him off the Ladder, and the Executioners man catching at one of his feet, and his own man by the other, they suddenly weighed his life; where hanging a small distance of time, his body not once stirred, onely his hands moved a little, being tyed with a black silk Ribbon, which a little before he had reached to the Executioner, putting up his hands to him for that purpose; all which being ended, both Corps and high Gibbet were from thence conveyed.

The

The Proceedings against *James Franckling* at his Arraignment at the Kings Bench the 27. of November, *An. Dom.* 1615.

AFter he had put himself for his Tryal upon the Country, a Jury of Esquires and Gentlemen were impannilled to pass upon his life there; then *westons* Indictment was read, and *Franckln* accused as accessary to the poysoning of Sir *Thomas Overbury*, and then his Examination formerly taken in these words.

James Francklins Confession.

HE confesseth, That in a house near *Doctors Commons* Mistriss *Turner* did first come unto him about the poysoning of Sir *Thomas Overbury*, and prayed him to provide that which should not kill a man presently, but lie in his body a certain time, wherewith he might languish away by little and little; at the same time she gave him four Angels, wherewith he bought a water called *Aqua fortis*, and sent it to Mistriss *Turner*, who to try the operation

thereof, gave it to a Cat, wherewith the Cat languiſhed, crying pitifully for two days, and ſo dyed.

Afterwards Miſtriſs *Turner* ſent for *Franklin* to come to the Counteſs, who told him that *Aqua fortis* was too violent a Water: But what think you, quoth ſhe, of White *Arſnick*? He told her, that was too violent: What ſay you, quoth ſhe, to Powder of Diamonds? He anſwered, I know not the Nature of that; She ſaid then, he was a Fool, and gave him pieces of Gold, and bid him buy ſome of that Powder for her: *Franklin* demanded of the Counteſs what was her Reaſon to poyſon Sir *Tho. Overbury*; ſhe told him, He would pry ſo far into their eſtate, that he would overthrow them all.

A little before Sir *Tho. Overburies* death the Counteſs ſent for *Franklin*, and ſhewed him a Letter ſent from the Lord of *Rocheſter*, wherein he read theſe words, *I marvel at theſe delays, that the buſineſs is not yet diſpatched*; whereby *Franklin* thinketh in his Conſcience was meant the poyſoning of Sir *Thomas Overbury*. And in another Letter from the Lord of *Rocheſter* was written, That Sir *Thomas* was to come out of the Tower within two days, and they all ſhould be undone; whereupon the Counteſs ſent for *weſton*, and was very angry with him, that he had not diſpatched Sir *Thomas Overbury*; *weſton* told her, that he had given him a thing that would have killed ten men.

Alſo a fortnight after *weſtons* Apprehenſion, this Counteſs ſent for *Franklin* into S. *James*'s Park, where he, the Earl, and the Counteſs walking together; and as ſoon as he came, the Earl went apart into a Chamber, then ſhe told him, *weſton* hath been ſent for by a Purſevant, and hath confeſſed all, and we ſhall be hanged; but on your life, quoth ſhe, do

not

not you confeſs that you brought any Poyſon to me or to Mris *Turner*, for if you do, you ſhall be hanged, for I will not hang for you; nor, ſaith Mris *Turner*, will I hang for you both.

The Counteſs told him, The Lord who was to examine him would promiſe him a pardon to confeſs, but beleeve them not, for they will hang thee when all is done.

Weſton came to *Francklins* Houſe, and told, Now the Counteſs turn is ſerved, ſhe uſes him unkindly, and they ſhould both be poyſoned, and that two were ſet on purpoſe to poyſon him. *Francklin* having confeſſed his former Examination under his own hand, being permitted to ſpeak for himſelf, ſaid, That at the intreaty of the Counteſs and Miſtriſs *Turner*, he did buy the Poyſons, but proteſted his Ignorance what they meant to do with them; and for the reſt he referred to the Conſcience of the Jury, who went from the Bar, and within a quarter of an hour did return and pronounce him guilty: Then Judg *Crook* after a brief Exhortation gave the ſentence of death upon him. The Lord Chief Juſtice made a ſhort Exhortation alſo with addition of theſe words, that knowing as much as he knew, if this had not been found out, neither Court, City, nor any particular Families had eſcaped the malice of this wicked cruelty.

The Proceedings againſt Sir *Tho. Monſon*, at the Guild-hall *London*, Decemb: 4. 1615.

WHen he came to the Bar, he made a Motion to the Lord Chief *Juſtice*, That whereas he had written to his Lordſhip to ask the Lord Treaſurer two Queſtions, which my Lord would do; He deſired then an Anſwer, and that Sir *Robert Cotton* might be preſent; the Queſtion read, he was indicted for Conſpiracy with *weſton* for poyſoning Sir *Tho. Overbury*, to which he pleaded not guilty; He would be tryed by God and his Country: The Lord Chief Iuſtice broke up the Proceedings, and made a Speech to this effect.

That he ſaw a great Aſſembly, though it had been ſhewed them often, that the City was much bound to *God* and his *Deputy* here on Earth, the King his Maſter, for their great deliverance and exact Iuſtice, for God was always good and juſt; and for the King, though they were never ſo high in place, nor ſo dear to him, though his own Creatures, yet his Juſtice is dearer to him, for which we are upon our knees to give him hearty thanks, as alſo for ſo milde Proceedings in ſo great an Affair: For neither the great mans Houſe in the Tower, nor this Poyſoners Houſe to my knowledg, hath been ſearched, neither hath this Priſoner been committed to the Sheriff, but to an Alderman, a man who of all others might be moſt kind to him; whereas I take it, leſt I ſhould be miſtaken

miſtaken, Sir *Francis Anderſon* married Sir *Stephen Somes* daughter, and Sir *Thomas Monſon* married Sir *Francis Anderſons* Siſter; I never knew the like favour, nor do I like it ſo well, but do declare it as a gentle Proceeding from the King. For other things, I do not diſcover ſecrets; but though there were no Houſe ſearched, yet ſuch Letters were produced, which makes our deliverance as great as any that happened to the Children of *Iſrael.*

For *Weſton* and Miſtriſs *Turner* dyed penitently, as it is worthy to be written in letters of Gold; and for the Lievtenant, though with great Imprecations and with high hand he denyed it, yet to the great Glory of the Kings Juſtice he dyed moſt penitently and reſolutely: This is ſpoken to the great Praiſe of God, that hath crowned theſe juſt Proceedings, *Juſtitia confirmata non eſt Authoritate*, though not having Reaſon for it, wherein we may ſee the great Hand of God. For that morning the Lievtenant was Arraigned came to me as one afflicted in Conſcience, not knowing of his Arraignment, one with Evidence againſt him, which he delivered to the Iury, one of them heard him ſay (*the Lord have mercy upon me,*) and for this preſent (*non eſt conſtantia longa de vita hominis*) therefore he muſt be conveyed to the Tower as a ſafer place, till further order be taken.

Then he addreſſed his Speech to Sir *Thomas Monſon*, ſaying, Whereas you name my Lord Treaſurer, every mans fame is dear unto him, and he hath been dear and Honorable; you ſhall hear what he hath anſwered to my Letter.

After my hearty Commendations, I hear that Sir *Thomas Monſon* that I can clear him, but I hear nothing of him to accuſe him, but I hope he is not guilty of ſo great a crime.

You hear, quoth he, that he will neither accuſe nor excuſe you.

Monſon. I do not accuſe the Lord Treaſurer nor calumniate him, for I know he is very Honorable, but I deſire to have Anſwer to my two Queſtions.

Lord Chief Juſtice. You ſhall hear more of that when time ſhall ſerve; do you as a Chriſtian, and as *Joſhuah* bid *Acan*, *My ſon, acknowledg thy ſin, and give glory to God.*

Monſon. If I be guilty, I renounce the Kings mercy and Gods; I am Innocent.

Lo. Ch. Juſtice. There is more againſt you then you know of.

Monſon. If I be guilty, it is of that I know not.

Lo. Ch. Juſt. You are Popiſh, that Pulpit was the Pulpit wherein *Garnet* denyed, and the Lievtenant as friendly; I am not ſuperſtitious, but we will have another Pulpit.

Juſt. Doddridge. It is an Atheiſts words to renounce Gods Mercy; but you muſt think the change of your Lodging means ſomewhat.

Hide. I have looked into this buſineſs, and I proteſt, my Lord, he is as guilty as the guiltieſt man.

Monſon. There was never man more innocent in this cauſe; I will live and dye an Innocent.

After this Speech, certain Yeomen of his Majeſties Guard, attending for that purpoſe, conducted him to the Tower, where between the Yeomen and the Warders there was ſome Contention about his Entertainment.

A Relation of the Arraignment of the Lord and Lady of Somerſet, on Friday, May 24. 1616.

The Names of the Peers.

THe Earl of *Worceſter*, L. P. *Seal.*
The Earl of *Pembrook*, L. *Chamberlain.*
The Earl of *Rutland.*
The Earl of *Suſſex.*
The Earl of *Mountgomery.*
The Earl of *Hartford.*
The Viſcount *Liſle.*
The Lord *Zouch*, Warden of the Cinq; Ports.
The Lord *Willoughby* of *Friſby.*
The Lord *de Laware.*
The Lord *Dacres.*
The Lord *Mountegle.*
The Lord *Wentworth.*
The Lord *Rich.*
The Lord *Willoughby* of *Parham.*
The Lord *Hunſdon.*
The Lord *Ruſſel.*
The Lord *Compton.*

The Lord *Norris*.
The Lord *Gerard*.
The Lord *Cavendish*.
The Lord *Dormer*.
The Lord *Elsmore*, Lord *Chaniels*, and Lord *Steward*, *hac vice*.
His Assistants there present in the Commission.
Sir *Edward Cook*, Lord Chief Justice of *England*.
Sir *Hen. Hobart*, L. Chief Justice of the Com. Banc.
Sir *Law. Tanfield*, Ch. Baron.
Judg *Crook*, Banco Rege.
Judg *Nichol*, Com. Banc.
Sir *Fran. Bacon*, Attor. General. } These three
Sergeant *Mountague*. —— } only spake.
Sergeant *Crew*. —— }
Sir *Hen. Yelverton*, Solic. Rege.
Sir *Fran. More*, Servien. Rege.
Sir *Lawr. Hide*, Attor. Reginæ.
Mosley, Attornat. Ducat.
Sir *Io. Davis*, Servien. Rege.
Mr *Walter*, the Princes Attor.
Mr *Finch*, Keeper of the Records of Attainders.
Sergeant *More*.
Sergeant *Finch*.

The

The Names and form of their ſitting.

WHen my Lord Chancellor, who for his time was High Steward of *England*, came into the Court, there came before him ſix Sergeants at Arms with their *Maces*, Sir *Geo. Coppin* with his Pattent, Sir *Rich. Connisby* with his White Staff, Mr *Mannering* with the Great Seal, he himſelf at the upper end of the Board ſitting under a Cloth of State, of both hands of him the Peers, under them the Iudges, at the further end of the Kings Councel below the Iudges, on one ſide, *Finch* the Keeper of Records of Attainders, the Clerk of the Crown and his Deputy in the midſt of the Court, the Sergeant Cryer ſtanding by him; Sir *Rich. Connisby*, Sir *Geo. Coppin* the Seal-Bearer, and at my Lord Stewards feet the *Priſoner* at a Bar, behind the Kings Councel the Lievtenant of the Tower in a little ſpace adjoyning to the Bar.

All being ſilent, Sir *Geo. Coppin* ariſes, delivers the Pattent to the *Lord High Steward*, upon his knee, he received it, and kiſſeth it, and returns it to Mr *Fanſhaw*, who takes it kneeling; then the Sergeant Cryer makes Proclamation in the Lord High Stewards name to keep ſilence; then Mr *Fanſhaw*, (which bears date *May* 10.) Then there is another *O Yes* to certifie my L. *Steward*, whether *Weſton* were commited as principal for the murther of Sir *Tho. Overbury*: Then the Lord Chief Iuſtice delivers a Schedule indorſed with Certificates of four Iudges of the Kings Bench, and other the Commiſſioners; then *Fanſhaw* turning unto my Lord Steward reads a third *O Yes* for certifying other Indictments. My Lord *Cook* delivers another Schedule, indorſed with Certificate of my Lady of *Somerſets* Indictment, which

Mr

Mr *Fanſhaw* as before reads. A fourth *O Yes* for *Walter Lee* Serjeant at Arms to return the Precept for the Peers of *Frances* Counteſs of *Somerſet*, which accordingly he, after his three Reverences to the Lord High Steward, delivered to Mr *Fanſhaw*, he reads the Indorſement. A fifth *O Yes* to call the Lords, ſummoned by the Command of my Lord High Steward, to anſwer to their Names, which accordingly they did, beginning as at the firſt, as every one was named putting of their Hats, ſtanding up until the next was named. A ſixth *O Yes* to the Lievtenant of the Tower to return his Precept, and bring his Priſoner to the Bar, which he did, and gave his Precept to the Serjeant, who gave it to Mr *Fanshaw*, and he as afore read the Indorſement. The Priſoner made three Reverences to his Grace and the Peers, being attired in black Tammel, a *Cyprus Caperoon*, a Cobweb Lawn Ruff and Cuffs.

Lord Steward. My Lords, the Reaſon why you are called hither this day, is to ſit as Peers of *Frances* Counteſs of *Somerſet*.

Fanshaw Clerk of the Crown. *Frances* Counteſs of *Somerſet*, hold up thy hand; ſhe does ſo hold it up, till Mr Lievtenant told her ſhe might hold it down; and then reads the Indictment, containing *Weſtons* Actions, in the poyſoning of Sir *Tho. Overbury*, and her Abetting him the 8 of *May*, 1613.

All the while the Indictment was reading, the Counteſs of *Somerſet* ſtood looking pale, troubled, and ſhed ſome few tears, and at the firſt naming of *Weſton* in the Indictment, ſhe put her Fan before her face, and there held it half covered, till the *Indictment* was read.

Fanſhaw. Frances, Counteſs of *Somerſet*, what ſayſt thou? art thou guilty of this Felony and Murther, or not guilty?

She

She making an obeyſance to the Lord High *Steward*, anſwered, *Guilty*, and with a low voyce, but wonderful fearful.

My Lady upon the Arraignment having pleaded Guilty, the Proceedings after was thus:

Attourney. May it pleaſe your Grace, my Lord High Steward of *England*, I am glad to hear the Ladies ſo free Acknowledgment; for Confeſſion is noble: Thoſe that have been formerly indicted at their Arraignments perſiſted in denyal, as *Weſton*, *Turner*, *Francklin*, *Elviſh*; but you ſee this Ladies Humility and Repentance by her pleading, and certainly ſhe cannot be but a ſpectacle of much Commiſeration, if either you reſpect the Sex, a woman, or her Parentage, Honorable.

But this and to morrow day is to crown Juſtice; the Mercy ſeat is the inward part of the Temple, the Throne publique; and therefore I do now only pray a Record of the Confeſſion and Judgment; but ſince the Peers be met together, for Honours ſake it is good to declare the Kings Juſtice.

This is the ſecond time ſince the Kings coming theſe thirteen years, that any Peers have been arraigned, and both theſe times your *Grace* hath had the place of *High Steward*.

The firſt was *Gray* and *Cobham*, and though they were convicted, yet Execution followed not; No Noble blood hath been ſpilt ſince His Majeſties Raign.

The firſt was Revenge of Treaſon againſt Malecontents, and this of the particular offence to a private Subject againſt thoſe that have been ſo high in the Kings grace and favour, and therefore deſerves to be written in a Sun-beam; but his being the beſt Maſter in the World, hinders him not from being the beſt King; for he can as well plain a Hill, as raiſe

raiſe a wall; a good Leſſon to put to my Lords, the Peers: He is Lievtenant to him that is no Reſpecter of perſons.

This that I ſhall now ſpeak of, may be reduced to that which was acted in the Vault, and ſince upon the Stage. The firſt I will not now enter into, becauſe I will neither grieve a Lady that is preſent, nor touch a Lord that is abſent, my duty requires it not, and my Humility forbids it. That which hath been upon the Stage, the Theater of Gods Iuſtice; you ſhall underſtand that which hath been worthily acted by the King in this whole Work of Iuſtice, and right well by his Miniſters. *Overbury* dyed poyſoned the 15 of *September*, 1613. in the Tower of *London*; He was no ſooner dead, but there was a certain Rumour and Muttering, that *Vox Populi*, that *Overbury* came ſtrangely by his death; and at that time on the contrary there was another Rumour, but that was *Vox Diaboli*, that he dyed of a foul diſeaſe, ſo foul a one, as is unfit for me to name; but for two years after this, though *Overburies* blood cryed for vengeance, *Vox Dei* was not heard: *Gloria Dei celare Regis perſcrutare rem*; It is the Glory of God to conceal a thing, of a King to find it out; yet all the while God ſo dazled the eyes of theſe two great Procurers and their Inſtruments, that the firſt looked not about them, the other fled not.

About the beginning of the firſt Progreſs it firſt broke forth; and as all Murthers are ſtrange in their diſcovery, ſo this was miraculous, for it came out in a *Complement*, thus: My Lord of *Shrewsbury* who is now with God, commended Sir *Gerviſe Elvis* to a Councellor of State, and told him that Sir *Gerviſe*, in reſpect of good report he had heard made of his Honour and Worth, deſired to be made known

known unto him; That Councellor added, that he took it for a favour from him, but withall added, there lies a kind of heavy Imputation on him about *Overburies* Death, I could wiſh he could clear himſelf, or give ſome ſatisfaction in the point: This my Lord related back, and preſently *Elvis* was ſtruck with it, and made a kind of diſcovery, that ſome attempts were undertaken againſt *Overbury*, but took no effect as checkt by him.

This Councellor weighing well the Narration from *Elvis*, acquainted the King with the *Overture*, who commanded preſently that *Elvis* ſhould ſet down his knowledg in writing, which accordingly he did, but always reſerving himſelf, ſtill endeavoring rather to diſcover others, then any elſe ſhould undertake that Office, and ſo accuſe him.

The King ſtill endeavors to ſearch the truth of this buſineſs, gives Direction for the Examination of the Truth of it, commits it to certain Councellors; they pick ſomething out of him and *weſton*; then the further Enquiry is delivered over to my Lord *Cook*, who in this Cauſe was very painful, took two and three hundred Examinations; but when he found it might touch upon greater perſons, then he deſired ſome others might be joyned with him, which was accordingly granted, namely, the Lord *Chancellor*, Lord *Steward*, and the Lord *Zouch*; but then there were no practices left untryed for the ſuppreſſing of the Diſcovery: *weſton* was ſolicited to ſtand mute, but at laſt this dumb Devil was caſt out, then followed *Elvis*, *Turner*, *Francklin*; all which were Actors in this Tragedy without Malice, but no Authors. Now when this Lady comes to her part, ſhe meets Juſtice in the way by Confeſſion, which is either the Corner ſtone of Mercy or Judgment; yet it is ſaid,

Mercy

Mercy and Truth are met together: Truth you have in her Confeſſion, and that may be a degree to Mercy; with me it muſt be, and to him in whoſe Power it reſides, in the mean time this day muſt be reſerved for Judgment.

Now to conclude, and give you Accompt of the often Procraſtinations in this buſineſs; the firſt was due to Humanity, her Child-birth, the ſecond was for reaſon of ſtate, and the laſt had a grave and weighty Cauſe.

Theſe Directions the King at firſt gave, written with his own Hand for the Examination of this buſineſs, I deſire may be read.

The Kings Inſtructions.

THere be two contrary things in this Cauſe to be tryed, and the verity can be but in one of them. Firſt, whether my Lord of *Somerſet* and my Lady were the Procurers of *Overbury*'s death, or that this Imputation hath by ſome practice caſt an aſperſion upon them; I would have you diligently inquire of the firſt, and if you find him clear, then I would have you as carefully look after the other, to the intent ſuch practices may be diſcovered, and not ſuffered to paſs without puniſhing.

Attourney. There be other Directions in theſe Inſtructions by way of Interrogatories, that are not now neceſſary to be read; let the *Lords*, the Peers, view theſe Directions from the King.

None of theſe Interrogatories, which the King deſired there ſhould be examination upon, came away empty; and whatſoever whiſpering there be abroad of the death of *weſton*, they all before the hour of their death confeſſed the fact, and dyed penitent; and if need ſhould require, I have brought their

Confeſſor

confessor along, namely Doctor *whiting*.

Lord Steward. My Lords, you have seen and have heard these Directions under the Kings Hand, with Glory to God, and Honor to the King,

Attourney. May it please your Grace, whereas *Frances* Countess of *Somerset*, as accessary before the fact of the wilful poysoning and murther of Sir *Tho. Overbury*, upon her Indictment she hath been Arraigned, then upon her Arraignment she hath confessed Guilty, I desire that her Confession may be recorded, and Judgment upon the Prisoner.

Fanshaw. *Frances* Countess of *Somerset*, thou hast been Indicted, Arraigned, and pleaded Guilty, as accessary before the Fact of the wilful poysoning and Murther of Sir *Tho. Overbury*; what canst thou say for thy self, why Judgment of death should not be pronounced against thee?

Countess. I can much aggravate, but nothing extenuate my fault; I desire Mercy, and that the Lords would be pleased to intreat for me to the King: This she spake humbly, fearfully, and so low, that the Lord Steward could not hear it, but the Attourney related it.

Attourney. The Lady is so touched with remorse and sense of her fault, that grief surprizes her from expressing of her self, but that which she hath confusedly said is to this effect, That she cannot excuse her self, but desires mercy.

Sir *R. Connisby* sitting before the Lord High Steward, rises, and upon his knees delivers him the white staff.

Lord Steward. *Frances* Countess of *Somerset*, whereas thou hast been indicted, Arraigned, and pleaded Guilty, and confessed that thou hast nothing to say for thy self, it is now my part to pronounce Judgment, only thus much before; since my Lords have heard

heard with what Humility and grief you have confeſſed the Fact, I do not doubt but they will ſignifie ſo much to the Kings Majeſty, and mediate for his Grace towards you, but in the mean time, according to the Law, the ſentence of death muſt be thus:

Thou muſt go to the Tower of London *from hence, and from thence to the place of Execution, where you are to be hanged by the Neck till you be dead,* and *Lord have Mercy upon your Soul.*

The

The Arraignment of the Lord of Somerset, May 25. 1616. being Saturday.

AND first, what was done before the Pleading.

Serjt. Cryer. *O Yes*, My Lord High Steward of *England* purposes to proceed this day to the Arraignment of *Robert* Earl of *Somerset*.

O Yes, Whosoever have any Indictments touching this Cause, presently give them in.

The Lord *Cook* delivers the Indictment of my Lord of *Somerset* to Mr *Fanshaw* endorsed.

Walter Les Sergeant at Arms, return the *Precipe*, for the Lords which thou hast warned to be here this day.

O Yes, He calls every Lord by his name, and they stand up as they be called.

The Lord Steward excuses the Lord *Mountegle* and *Russel* of their absence in respect of their sickness.

Fanshaw. *Robert* Earl of *Somerset*, hold up thy hand; He held it up so long, till Mr Lievtenant bid him hold it down. The Indictment is read, containing *Vvestons* Actions in the poysoning of Sir *Tho.* *Overbury*, and his abetting of him the 8. of *May*, 1613.

The Lord *Somerſet* was apparelled in a plain Sattin Suit, laced with two Sattin laces in a ſeam, a Gown of uncut Velvit, all the ſleeves laid with a Sattin lace, a pair of Gloves with Sattin tops, his George about his Neck, his Hair curl'd, his Viſage pale, his Beard long, his Eyes ſank in his Head, whileſt his Indictment was reading he three or four times whiſpered to the Lieytenant.

Fanſhaw. *Robert* Earl of *Somerſet*, what ſaiſt thou? art thou guilty of this Felony and Murder whereof thou ſtandeſt indicted, or not?

Somerſet making obeyſance to the Lord Steward, anſwered, Not guilty.

Fanſhaw. How wilt thou be tryed?

By God and the Country; but preſently recalling himſelf, ſaid, By God and my Peers.

O Yes, All you that be to give in Evidence againſt *Robert* Earl of *Somerſet*, who ſtands now at the Bar upon his deliverance, make your appearance, and you ſhall be heard what you have to ſay againſt him.

My Lord of *Somerſet* upon his Arraignment having pleaded not guilty, the Proceeding after was thus.

Robert Earl of *Somerſet*, you have been Arraigned, and pleaded not guilty, now whatſoever you have to ſay in defence of your ſelf, ſay it boldly without fear; and though it be not the ordinary cuſtom, you ſhall have Pen and Ink to help your memory; but remember that God is the God of Truth; a fault defended is a double Crime; Hide not the verity, nor affirm not an untruth, for to deny that which is true increaſeth the offence; Take heed leſt your wilfulneſs cauſe the Gates of Mercy to be ſhut upon you.

Now for you my Lords the Peers, you are to give diligent attention to that which ſhall be ſaid, and you muſt not reſt alone upon one peece of Evidence,

but

but ground your Judgment upon the whole.

This moreover I would have you remember, that though you be not sworn as common Juries upon a Book, yet your are tied in as great a Bond, your own Honors and Fidelity, and your Allegiance to the King, and thus I leave the whole Proceedings to your Censure; and for you that be of the Kings Counsel, free your discourse from all partiality, and let Truth prevail, and endeavor to make it appear.

Sergeant *Montague.* My Lord High Steward, and you my Lords, I know this cannot be but a heavy spectacle unto you, to see that man that not long since in a great place with a white Staff went before the King, should now at this Bar hold up his hand for blood: But this is the change of Fortune; nay I might better say the Hand of God, and Work of Justice, which is the Kings Honor. But now to the Fact.

Robert Earl of *Somerset* stands indicted as accessary before the Fact of the wilful Murther and poysoning of Sir *Tho. Overbury*, done by *Weston*, but procured by him.

This, my Lords, is your Charge; the Indictment hath been found by men of good quality, or Knights and Esquires of the best rank and reputation, some of whose names I will be bold to read unto you, Sir *Thomas Fowler*, Sir *Will. Slingsby*, and five more, these have returned *Billa Vera.*

Weston at four several times gave *Overbury* four several Poysons, the first *May* 9. 1613. that *Rosaker*, carrying this Poyson in one hand, and the Broth in the other hand; the second was in *June* following, and that was *Arsnick*; the third was in *July* 10. then following, and that was *Mercury Sublimate*; the fourth was on the 14 of *September*, and that was *Mercury Sublimate* in a Glister, given by *Weston*, and an

Apothecary yet unknown, and that killed him.

Of theſe four ſeveral Poyſons, miniſtred by *weſton*, and procured by him the 15. of *Sept.* 1613. *Overbury* dyed, and the Author is ever worſe then the Act.

The firſt Poyſon laid in the Indictment that *weſton* gave Sir *Tho. Overbury*, was the 9. of *May*, and therefore we ſay, the Lord of *Somerſet May* 8. hired, counſelled and abetted *weſton* to that Fact: And as this (my Lord) I do charge you for a King; ſo King *David* was charged in the like caſe for the murther of *Uriah*; and though *David* was under his Pavilion, and *Uriah* in the Army, yet *David* was the cauſe of his murther: So you were in the Kings Chamber, and *Overbury* in the Tower, yet you were the Cauſe, and it is you that killed him. It was a ſtronger hand then *weſtons* that wrought this; the proof Mr Attorney will follow: And now will I conclude with deſires to the Peers, that they will not expect viſible Proofs in a work of darkneſs.

The ſecond, That whereas in an Indictment there may be things laid only for form, you are not to look that the Proof ſhould follow that, but only that which is ſubſtantial; and the ſubſtance only muſt be this, Whether my Lord of *Somerſet* procured or cauſed the poyſoning of Sir *Thomas Overbury*, or not?

Lord Steward. That indeed, my Lord, is that which you are to look after, whether my Lord *Somerſet* was the Cauſe of his poyſoning, or not.

Cook. This was well moved by Mr Recorder, and the Law is clear in this point, that the proof muſt follow the ſubſtance, not the form.

The Judges all riſing, affirmed this to be true.

This, my Lord, is certain, the Law gives form in Indictments, but only ſubſtance in Proofs.

I know, my Lord High Steward, and you the Lords the Peers, that you cannot behold this Lord at the Bar without the remembrance of his former greatness, yet a Peer amongst you, and therefore I know you will be very tender in the cutting of him off from your number without good Evidence; We, my Lords, that be to speak against him, have received an admonition from the King, to use no Invectives, but give in pertinent Evidence; I think we should have done so howsoever, but yet we cannot but be glad of so good a Warrant; we will therefore carry the Proof upright against all Evasion, the Evidence will bear it self. That which I am now to speak, I will divide into four Parts.

The first shall be of the greatness of the Crime, not to weigh or press you down (my Lord) but to shew that the King was bound by his Oath to bring this Cause to Judgment, though you had been the Signet of his right Hand.

The second shall be, what Proof I hold to be competent in this Case.

Thirdly, I will state and sum up the Proof.

And fourthly, I will produce Oaths or Writings confessed.

First, Of all kind of Felonies this is the greatest, and that I will urge thus: First, It is Murther, the first Record we ever read of in the Bible was a sentence upon Murther; and though *Cain* was not punished with death in respect of the *Primogenite*, or some other secret Causes, which God reserved to himself, yet he was sentenced. Although *Joabs* sentence for the Murther of *Abner* was respited, yet it was not forgotten, no Sanctuary could relieve him, he was taken from the Horns of the Altar. In the second Table the first forbidding Commandment is, *Thou shalt not Murther.* And some other most

learned Rabbins that referred that Commandment where the Obedience of Parents is expressed to the first Table; so then this is the first of the second.

My second Aggravation is, that this Murther is by Poyson; Poyson is a forraign practice, fit for *Rome* and her Doctrine; It hath these three Attributes.

First, It is fierce, it takes a man suddenly in Gods Peace and the Kings, when he thinks least of it.

Secondly, It is easily done, and once conceived hardly prevented or discovered: Princes have their Guards about them to withstand any force or violence, and Gentlemen their Servants, for that never comes but with a noise; whereas on the contrary, there are a number of Poysons, that they will neither distaste nor discolour that they be put into.

Thirdly, It takes not only away the party maliced or meant; it is like an Arrow shot that hath no aym; and if Facts of this kind were not met withall by condign punishment, what society would there be amongst men?

In the 22. *Hen.* 8. a Poysoner ayming at one man, poysoned a dish of Barm, at this time there was a feast at the Bishop of *Rochesters*, that Barm was unwittingly used in Broths and boyled meats, sixteen at the Table were poysoned with it, nay it went as far as the Alms-basket, and some poor dyed of it.

Well, this year Poysoning was esteemed so great an offence, that a Statute was made to make it High Treason.

My third Aggravation is, That it was against the Kings Prisoner in the Tower, where the King and State were in a manner bound to answer for him; and, my Lords, till now there hath been no Murther in that place since the Nephews of King *Richard* the third

third were there murthered by his Command.

My second general Division is, What Proofs I hold to be compleat in this Case; I hope my Lords the Peers will consider, that of all Murthers Poysoning is the most secret: And therefore to look for Testimonies direct, is to say, that they proclaim impunity, who should have impeached *Parasapis*, who poysoned one side of a Knife, and eat with the other. But, my Lord, you are not to enquire of actual impoysoning, but the procuring and facilitating of it; and that is to be an Abettor before the Fact if any middle course should be used, to the intent such a matter might be effected, if afterwards it be done.

For example; There be three intended to Rob a man, one sends a Letter to him upon some pretended business to draw him such a way, the other fearing he may carry some company with him, useth some means to divert him from that, and proffers to go with him himself, and holds him in discourse, until the third man comes upon him, and doth the fact; certainly all these are guilty.

It is not he only that slips the Dog, but he that loves the Toyl, that kills the Deer. But these things, my Lord, are so perspicuous that I will not dilate.

My third Division was the stating and summing up the Proofs, and that shall be thus:

First, A plain Narrative of the Fact it self.

Secondly, The distribution of it into parts, and applying of the Evidence.

And thirdly, The Production of Witnesses and Writings.

Somerset, I humbly desire to answer every particular as it is objected against me; my memory is short, and so I may omit to Answer some of the most principal Objections.

Lord Steward. The constant course of the Court must be kept; you cannot interrupt the Kings Councel; they must give their Evidence entire before you come to your Answer; you have now Pen and Ink to observe what they urge against you; and if after you omit any thing, when you come to your Answer, you shall have all the Helps that can be afforded you.

Mr *Attorney.* My Lord of *Somerset*, in substance I will answer and satisfie your Request, for you shall have three Cogitations.

First, Take your aym of that that shall be objected against you in the Narrative; then a second in the distribution of it into parts; and lastly the third, when the Witnesses shall be produced, and more when you come to your Answer; if you omit any thing that hath been objected against you, I will put you in mind of it.

Now for the Narrative, the Friendship and familiarity betwixt my Lord of *Somerset*, and Sir *Thomas* was so great, if you beleeve him in his own Letter, but he was a *Trasonical* Fellow, that the Ballance had need be altered, that the greatest matters and secrets of State, which my Lord executed under the King were all communicated unto him, not whisperingly, or by peece meals, as sometimes Councellors use to do to their friends for a favor; but *Overbury* took Copies, Registers, and Extracts of all that passed; they had Ciphers between them, which went under the name of *Jergins* of the King and Queens name, and all the Councellors of State; and this kind of Characterical writing is never used but by Princes, or their Embassadors; if by others, then by such as be Practisers against them; yet, my Lord, I charge you with no disloyalty.

I remember a Speech Your Grace hath often ſaid in *Chancery*, That Fraud, Froſt and foul weather; I might adde without diſloyalty, of Friendſhip of all men; And ſo, my Lord, it proved on your part to Sir *Thomas Overbury*, occaſioned thus, You went about an Unlawful Love, deſigned by my Lord of *Northampton*, oppugned by him under pretence of Friendſhip, though in truth that was not the occaſion, but his Unwillingneſs to have any Partners in your Favour beſides Himſelf: For He Himſelf writes in a Letter to you, That you won her by his Letters; but this impetuous unbounded Fellow, *Overbury*, firſt began with Threats, in reſpect of the communication of Secrets; Here upon this, there grew two ſtreames of Hatred upon Him, one from You, and another from my Lady, but yours of a more nigher nature; for your ſelf confeſſed, That he had ſuch hold of you He might overthrow you. There was a third ſtream beſides theſe, and that came from my Lord of *Northampton*; And from you three *Overbury* was concluded *Filius Mortis*.

Now how this ſhould be executed, the means for that was now to be thought on; And for that there was but two Ways, Violence or Poyſon.

The firſt was attempted, but that failing, you fell upon the ſecond, how ſhould that be effected? If he had been abroad, or at liberty, you know he had too jealous a Head to be eaſily entrapped; what then was to be done one way, but was to be cooped up? but how muſt that be done? There, my Lord, you plead a peſidipus part by your Plot: OVERBURY was deſigned

designed for an Honorable Employment beyond the Sea, and diſſwaded by you, animating him to refuſe the Kings Command; upon this, for his contempt he is committed to the Tower; when he was there muſt he have the liberty of the Ayr? No; He muſt be committed cloſe Priſoner, that you might the better compaſs your deſires. There you had him faſt, there was no avoyding of it, but death muſt be his bane.

Now for the knitting up and connection of theſe things, If you had not a Lievtenant to your hand, and an Under-Keeper for your purpoſe, all was but in vain; and ſo you ordered it: for *Overbury* had not been five days in the Tower, but *VVade* was diſpatched, *Elvis* put in, *Carr* his old Keeper put out, and *weſton* his Poyſoner put unto him. And though the placing of Sir *Jerviſe Elvis* was conſulted in ten days before his Impriſonment, yet all was reſolved and done within five days after.

Now for the laſt Act of the Tragedy; When he was there, and cloſe Priſoner, none of his Friends might come to him, neither Father, nor Kindred, nor his Servants, nor none but his Poyſoner. Now *Franklin* was ſent for, he muſt buy Poyſons, not ſuch as would quickly kill him, but by degrees, to avoyd all ſuſpicion. And then there was nothing came to him, Salt, Sauces, Tarts, Medicines, Glyſters, that were not poyſoned. All the Petitionary means that were either made by him or his Friends, for his Liberty, were ſtopped, though entertained by you my Lord of *Somerſet*; You uſed him as Fortune-Tellers do poor people in the Country, hold them in a Tale while they ſteal away their purſe. Now my Lord of *Somerſet*, for the diſtributing of it into parts, and applying the evidence to make you guilty, we will

prove

Prove it by matter precedent, present, and subsequent.

First, There was a mortal hatred on your part against Sir *Tho. Overbury*.

Secondly, You used the means to expose him to the Tower, and there to keep him close Prisoner. After these two I will follow the Proofs my self.

Now for matter present, That your hand was in poysoning *Overbury*, directed, delivered Poysons, thirsted after the news; The prosecution of this I leave to speak of. After his death you took the course that every guilty man would do in such a case, suppressing Testimony, Letters, and going about to get a pardon.

Now for a hate of Sir *Tho. Overbury*, together with a fear of his revealing of secrets; You made a vow that he should neither live in Court or Country, that if he came out of the Tower one of you two must dye. Now of *Overburies* part he writes to you, That if he dye, your shame shall never dye; prays God you repent not the neglect of him in that place from whence he writes to you. Now by way of exclusion you cannot alledg, That this your hatred to him, and plotting his Commitment, was in respect to your Wife; why then did you not suffer him to go beyond Sea? No, the bargain was made, the poysons were ready; there were some secrets, together with your malice towards him, was so great, that there was no safe course for you, in your opinion, but this death.

And for the producing of my proofs I will use this course; Those Examinations that have been taken upon Oath shall be here read, the witnesses also I have caused to be here, that they may be sworn, and to justifie or deny what they hear read; and to diminish or add to their Examinations: And beside,

that

that you my Lord of *Somerset*, and you my Lords the Peers, may ask them what further questions you please.

Tho. Payton, Sir *Thomas* his Servant: He saw a Letter of his Masters, whose hand he knew to be my Lord of *Somersets*, wherein were these words, *If I dye, my blood lie upon you*. And in that or another Letter there was this clause, *You are now as good as your word, you have kept your vow to me*: Moreover, that in the privy gallery in *Whitehall* my Lord of *Somerset* coming late to his Chamber met there with Sir *Tho.* Overbury; How now, says my Lord, are you up yet? Nay, answered Sir *Thomas Overbury*, what makes you here at this time of the night? Will you never leave the company of the base Woman? and seeing you do so neglect mine advise, I desire that to morrow morning we may part, and that you will let me have that portion you know is due to me; And then I will leave you free to your self, to stand upon your own legs.

My Lord answered, His legs were strong enough to bear himself, and so departed in great displeasure, and to his knowledg they were never perfectly reconciled again: And being asked how he heard this discourse, He said, it was in the dead of the night; and he being in a room within the Gallery, heard all that passed.

Henry Payton. I acknowledge every part of this Examination to be true, and more, That my Master being in the Tower, he sent a Letter by *Weston* to me to carry to my Lord; and more, to deliver my Lord this message, That the powder he had sent him made him very sick, and gave him in one night sixty stools, besides

side vomits. This Letter I carryed to the Court, and delivered to Mr *Rawlin* to carry in to my Lord; who was then in his Chamber. My Lord presently came out and asked me how my Master did, I told him, very sick; and withall this message, and how the Physick had wrought with him; My Lord smiled, and said, Pish, and so turned him away.

Lawrence Davis, Sir *Thomas Overburies* Servant, Saith, That he hath heard his Master say, that he would have gone Embassador, but that my Lord of *Rochester* diswaded him; He hath seen some Letters of Sir *Thomas Overburies*, wherein he wrote, My Lord of *Rochester* was even with him; but he thinks he never saw those passages.

Somerset. I pray you my Lords note; He says, I never saw the passages.

Attorney. It is true, those Letters were lost, but easier found by him who knew his Master Sir *Tho. Overburies* hand.

Sir *Thomas Overburies* Letter.

Is this the fruit of my care and love to you? Be these the fruits of common secrets, common dangers? As a man you cannot suffer me to lie in this misery, yet your behavior betrays you: All that I entreat of you is, that you would free me from this place, and that we part friends: Drive me not into extremities, lest I say something that you and I may both repent: and I pray God you repent not the omission of this my Counsel in this place from whence I now write this Letter.

Wentworth. How did you know these Letters were sent from him to my Lord of *Somerset*.

Attorney

Attourny. It is true that thoſe letters were loſt, but after found by him who knew his Maſter Sir *Tho. Overburies* hand.

Cook. They were found in a Cabinet amongſt ſome other things left in Truſt by my Lord of *Somerſet* with Sir *Robert Cotton*, who fearing ſearches delivers them to a Friend of his in *Holborn*, one Miſtriſs *Farnſorth*; ſhe, to the intent they might be ſafely kept, ſent them to a Merchants Houſe in *Cheapſide*, where ſome ſeven Moneths before ſhe had lodged, and deſires they might be ſafely kept for her, pretending they were ſome Writings which concern her *Joynture.* On Saint *Thomas* day ſhe her ſelf comes to have them again, ſaying, ſhe muſt carry them to her Councel to peruſe: *If you will, ſuffer me to open it before you* (ſays the Merchant,) *and that there be nothing elſe, you ſhall have them.* But ſhe by no means would conſent to the breaking of it open: Then he anſwered, It is a troubleſom time, I will go to the *Lord Chief Juſtice*, and if he finde no other Writings but ſuch as concern you, you ſhal have them again. So coming to my Chamber, and not finding me within, (for I was gone to *Pauls* to the Sermon) He went to my Lord *Zouch*, one of the appointed Commiſſioners for this Cauſe, who he himſelf would not break it open, but came to *Pauls* to me, and in a by-room brake it open, and found in it many Letters, which were diſadvantagious to my Lord of *Somerſet.*

Theſe matters being made evident, need no further to be amplified; For my Lord, As it is a principle in Nature, *That the beſt things are in their corruption the worſt*; And *the ſweeteſt wine makes the ſharpeſt Vineger*; So fell it out with my Lord of *Somerſet*

Somerset and Sir *Thomas Overbury*, that this excess (as I may call it) of Friendship ended in mortal hatred on my Lord of *Somersets* part.

The Indictment being found, my Lord High Steward, confirmed with the Opinion of the other Judges, did pronounce the *Sentence of Death* upon my Lord of *Somerset*, and so the Court dissolved.

FINIS.